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Formerly Millard's Review

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Contents

Editorial Paragraphs

National Indifference as Weakening Factor 33
Who Supplied Shantung Bandits With Arms? 34
The Foreign Settlements as Political Asylums 34

Special Articles

Bandit Rule in China 35
Is the Lincheng Outrage the Death-knell? ...V. P. Ting 37
Intervention—and the Situation in China..H. S. Q. Ph.D. 38
Bandits Wear Charms to Protect Themselves Against Bullets in Battle 39
Politics and the Future of Szechwan .....John Muir 40
Men and Events 44
News from South China 48
Eight Foreigners Still Held by Bandits in Shantung 50
General News Summary..... 58

New Books and Publications
A Complete English Grammar for Chinese Students..M.C.P. 63
What the Ships Carry between America and China 64
Outline for the Study of Current History, Finance and Commerce of China..... v
The United States Court for China 1

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NATIONAL INDIFFERENCE AS WEAKENING FACTOR

FOR the destruction of a government one could find no agency more effective than indifference on the part of the people whose government it is. When this is at the bottom of the failure of a government the ruination is permanent, because there is no foundation upon which to start anew.

IT would be unfair to many to make an unqualified charge of indifference against the Chinese, for there are many who do care, who are humiliated when they see the condition of their government today, but there are so very many who are wholly disinterested, unconcerned, absolutely indifferent, that the situation seems well nigh hopeless. An American newspaper, editorially commenting upon the Lincheng affair, refers to the great mass of the people as having scant regard for what is going on as their government heads into worse and worse chaos with the turning point not yet in sight. If only there were some way to arouse the people, some means of developing a national will strong enough to exert itself, the China problem would start to solve itself. There is no true friend of China, who would not prefer seeing China work out her own salvation to witnessing a program built on international receivership, but until a real national consciousness comes into being there is little to which to pin hopes for real progress without assistance.

IT is impossible for a person whose attitude toward his government and whose views relative to his own relation to his government and its relation to him are products of a western civilization to understand the indifference which accounts for the fact that the Chinese mass meeting last Sunday was such a failure. Such a small gathering under similar circumstances in a western democratic country would be an impossibility. The people would be there, if for no other reason to oppose what they expected to be proposed in the way of action.

IF foreign powers do come into China to help disentangle the affairs now, or in the near future, they cannot work out a permanent solution until the Chinese themselves have developed that spirit, the lack of which licenses banditry and invites political corruption. Ultimately the solution of the China problem rests with the Chinese and the

solution that solves it must have as its basis a spirit which makes a national cause the sacred cause of the individuals of the nation.

IT has been said, and repeated over and over, recently that all the concern about the captives in Shantung was for the foreigners, that the Chinese, who outnumber the foreigners, and whose hardships are at least as great as those of the foreigners, are considered practically not at all. Such is very true, lamentable as it may be. National indifference explains it. The foreigners will be free when foreign sentiment is sufficient to require that pressure be brought to bear somewhere to force their release. Chinese will be released when Chinese sentiment is sufficient to bring about the required pressure to force their release. An exception may be found in a few cases in which foreign influence, or foreign pressure, may guarantee the release of a few of the Chinese captives.

THE Chinese General Chamber of Commerce protested against discrimination against the Chinese captives, and that protest comes most naturally. There is no reason why the Chinese should not demand for Chinese treatment equally as good as any other nationals receive, but that demand will produce results only in proportion to the extent to which it can be backed up.

THE Chinese Chamber of Commerce comes the nearest representing public opinion of anything in China, and its members should realize the responsibility that is theirs just now. There is little use spending time addressing requests, or even demands, to the Peking government, because the Peking government is not a functioning institution. But the Chamber of Commerce can wield an influence to combat those very evils which have undermined the Peking government. When the Chinese Chamber of Commerce, through its affiliated and united organizations throughout the country, starts to voicing a demand that the people receive just treatment, and when that demand is backed by the whole strength of the Chamber results may be expected, but until the Chamber is ready to assume the leadership in demanding a better government in China resolutions protesting against such treatment as the Shantung captives are receiving is of little or no avail. The Chinese Chamber of Commerce is best qualified to create a national consciousness, and until it or some other force does so indifference will continue to take the very life from the Chinese government and the people will continue to pay the penalty which they now are paying, or worse.

WHO SUPPLIED SHANTUNG BANDITS WITH ARMS?

WHEN investigators start prying into the Lincheng affair and preparing reports on how it happened, an important matter to be kept in mind is the source of supply of arms. He who furnishes the gun is guilty along with him who uses it. In this case there are aggravating circumstances, related to the pledge made by parties to the Washington Conference who agreed among themselves and with China that they and their nationals would have no part in arming China. It is strange that traffic in arms could be conducted on such a large scale as required to supply China's banditry and still be kept thoroughly under cover.

IT is to be expected that other serious affairs will follow this, particularly since the bandits are winning a victory and their heads along with those of other bandit leaders in other places are being turned. The danger will be much lessened if reasonable efforts are made to see that the outlaws and would-be-outlaws are not quite so adequately supplied with weapons, and this restriction on the supply can be realized most effectively through revelations touching upon the source of supply.

Most of the guns used by the Lincheng bandits are of Japanese make, some of European makes.

THE FOREIGN SETTLEMENTS AS POLITICAL ASYLUMS

ONE of the probable results of the Lincheng outrage will, indirectly, be that the policy of allowing the Foreign Settlements to be used as a refuge for Chinese politicians will be abandoned. It is a policy which, to a great extent, has contributed to Shanghai's prosperity, and we mention Shanghai particularly because, at least as regards the International Settlement, it is the best example of a Foreign Settlement in China. During the decades that have passed since the people who fled to Shanghai before the onrush of the Taipings—which, by the way, was the beginning of the idea of making Shanghai a refuge—with the successive political upheavals which have occurred in various parts of China, wealthy Chinese from the interior have fled from their ancestral heaths and brought their money to Shanghai, investing it here. These have contributed greatly to Shanghai's prosperity.

UP until the outbreak of the Revolution in 1911, the quality of the refugees thus gravitating to Shanghai was, generally speaking, of a high quality. On the whole the people who came in were desirable as citizens. But, since the Revolution, not only has the immigration of political refugees and their influx of adventurers hugely increased, but there has been an even greater deterioration in the quality than there was in the immigration from Europe to the United States during the last two decades. Ever since the founding of the Foreign Settlement of Shanghai, it has been the policy of the Municipality (with a few exceptions) to throw its mantle of protection over the just and the unjust alike. If the Chinese authorities wish to get hold of any Chinese who has come to Shanghai they have to run the gauntlet of the Mixed Court processes, the result being that with the aid of the technicalities interposed on behalf of the wanted person by one or other of the many scores of lawyers of all foreign nationalities (and including a few Chinese) who find in the Mixed Court their principal means of livelihood, in actual practice the Chinese authorities find it practically impossible to get hold of the man they want. And it may be said in all truth that in recent years the number of refugees in Shanghai, which Shanghai would be all the better for not having, runs into many thousands, and were the Chinese government able to get hold of them they would, in most instances, get the punishment they really deserve, and which they, here in the Settlement, do not have meted out to them, because of the safeguards which are interposed in their behalf. And all that has been here said of the Settlement South of the Yangkingpang applies with still greater force to the French Concession.

ONE of the principal reasons why Shanghai has to maintain a police force of such huge proportions is due to this very fact that Shanghai as a Foreign Settlement has thrown its protection around the Chinese. Notorious cutthroats and robbers who infest this Settlement are able to hoodwink the foreign authorities who, left to the "tender" mercies of their own authorities beyond the Settement limits, would soon be laid by the heels and punished. In some instances, the inauguration of the new policy will work injustices. It will be a great temptation to the native authorities to ask for some rich native citizen of Shanghai to be handed over to them, principally in order that they may have an opportunity to "shake him down" for some of his wealth. And in the end we will probably witness the rather peculiar spectacle of that class of Chinese who have been so busy preaching against this Foreign Settlement of Shanghai, suddenly changing their minds, and praying that the protection of this Settlement which they have hitherto enjoyed may also be continued to be vouchsafed to them in the future.

Bandit Rule in China

(*From The Literary Digest for May 19, 1923*)

IF THE LAKE SHORE LIMITED were held up near Syracuse, and the passengers, including distinguished foreigners, were marched up into the Adirondacks in their nightclothes, and held for ransom, with the Governor of New York and the President at Washington utterly powerless to cope with the robbers, in spite of European governmental demands for swift action, it would be something like what happened in China the other day. Only the first would be an inexplicable phenomenon, while the other, tho sensational enough, appears to most of our editors to be the perfectly natural result of the conditions now obtaining in the more or less "Celestial" Republic. And it is therefore to a study of those conditions that our interest turns, as group after group of captives escape or are released from the bandits of Yellow Cow Mountain, and tell their varying tales of hardship and adventure. What complicates matters, as far as China's relations with the United States are concerned, is that the new outrage came just as the Peking Government was reported to have complied with the demands of the United States for apology, reform, punishment and reparation in connection with the killing of another American citizen, Charles Coltman. The incident is tragic for China, says the *New York Globe*, "for it reveals a state of anarchy which will inevitably mean additional alien interference in her affairs." Never before, observes the *New York Times*, "have so many foreigners been kidnaped at one stroke in such a startling manner." This outrage, declares this paper, is "primarily an indication of the lack of political cohesion and order to which China has been reduced." It was only a question of time until something like the attack on the Shanghai-Peking express was found to draw the world's attention to such "intolerable" conditions as now prevail in China, observes the *New York Evening Post*, which continues:

"Militarism in China has divided the country into a number of satrapies under military governors exercising arbitrary powers and has paralyzed Peking and cut off most of its revenues. The military governors support their armies by the most onerous and unjust systems of taxation and seizure, while every defeat of an army in the endless civil struggles adds to the number of bandits; for the dispersed troops have to take to robbery to keep alive."

The existing civil strife is, however, characterized by the *Boston Globe* as "China's growing-pains of nationalism," and the Pittsburgh *Post* thinks that—

"Altho the new China may require some help from the outside world to get established, it never is to be overlooked that even in countries of the strongest nations shocking instances of crime on a wholesale scale are reported occasionally, as in the recent massacre of non-union miners at Herrin, Illinois, and without a single conviction resulting. With two Mexicans murdered in the Herrin outrage, their Government has called upon Washington to take suitable action, but our Federal Government has found itself without authority to act where the State of Illinois failed. No matter how strong our Government may be, its record of impotence in the Herrin case counsels that it give China every reasonable opportunity to solve herself the problem of suppressing the brigands in her country."

Our State Department, thinks the *New York World*, might well have its suspicions that the kidnaping incident was "manufactured for diplomatic purposes." And the *Jersey City Journal* is aware that "it is not outside the range of Chinese politics for something like this bandit outbreak to be staged at such a time, either to put the Government 'in bad,' or to forward in some fashion the interests of the political faction." And the *New York Call* wonders whether this incident is "merely a preliminary to further looting of China and a violation of her territory."

But to return to the facts of the kidnaping. Shortly after midnight on the morning of May 6, the Shanghai-Peking Express, northbound, was carrying scores of passengers and the mails from the *Empress of Asia* to Peking. Among those on board were Miss Lucy Aldrich, sister-in-law of John D. Rockefeller, Jr., and daughter of the late Senator Aldrich of Rhode Island; and John B. Powell, a former Missourian, now editor of the *Weekly Review* of Shanghai. At a point just within the southwestern boundary of the Province of Shantung, the train slowed down, then left the rails with a slight jar. Then came a fusillade of rifle shot. One Englishman was slain in the firing. Armed bandits, of whom there may have been a thousand in all, having overpowered the armed guards, swarmed on board. They concentrated on the coaches carrying foreigners, and forced the latter to leave the train and march, barefooted, in their nightclothes, with their captors. Several escaped in the darkness, some women were left behind because they could not keep up, and all the women were eventually released, as were some of the men. Later, there was some fighting with pursuing troops and a demand for ransom was made. By May 10 fourteen foreigners, including nine Americans, were still being held by the bandits, in or near their stronghold on Yellow Cow Mountain. By this time the United States and other governments were calling upon the Chinese Government to ransom the captives and punish the bandits.

The hold-up in Shantung is traced by United States Government officials, says a *New York Tribune* correspondent in Washington, "directly to China's problem of unemployed war veterans":

"At least 200,000 former soldier-laborers, who saw service with the Allied armies on the Western Front, have returned to China, and large numbers of them are now roaming at large without employment, constituting a serious menace. This question of how to put them to work, altho actually Peking's immediate concern only, is an integral part of the economic muddle through which the Far Eastern republic is laboring.

"China needs a regular source of revenue to be applied to productive activities, such as road-building, canal and railroad construction, under competent supervision, which would give employment to these thousands of discharged soldiers. This is admitted to be the principal factor upon which depends China's economic transformation."

Shantung is both the birthplace of Confucius and the "breeding place of China's most desperate bandits," writes Berridge Elliston, former editor of the Peking *Daily News*, in the *New York World*. As Mr. Elliston explains:

"The bandits operate from the hills that indent the Shantung territory. They work with soldierlike organization, owing allegiance to a chief. From time to time the chief appears in one of the villages and demands a certain sum of money, payment of which generally insures immunity from the depredations of the bands.

"If the communities do not comply with this request, the cut-hroats pour down from the surrounding hills and ransack the villages.

"That the bandits can attack an express train and kidnap foreigners argues a greater power than they had been reputed to possess."

The raid on the Shanghai-Peking Express seems to a representative of Peking University quoted in the *New York Times*, evidence that "General Wu Pei Fu's control of the provinces surrounding Peking is weakening." And General Wu, we are reminded, tho virtually dictator at Peking, is harassed on the South by the armies of Sun Yat-Sen.

Dr. Alfred Sze, Chinese Ambassador to the United States, can not believe that "friendly relations between China and America are threatened." It seems clear to him "that the outrage is the work of a band of brigands, for whom the Chinese government can hardly be responsible."

Chinese newspapers quoted in our press dispatches, are inclined to blame the Tuchuns, or military governors, for the situation leading to the bandit outrage. It is their policy, says the *Shun Pao* of Shanghai, "to seek self-aggrandizement at the expense of the people, and they have not achieved

anything in the suppression of banditry." General Wu Pei Fu has been criticized for not suppressing the bandits or "long-knife men" in the territory nominally under the control of the Peking government. But, observes the *Central China Post*, it is hardly fair to criticize one Tuchun for not squandering his forces in the suppression of bandits and thereby "laying himself open to an attack by one of his rivals when so engaged." In the opinion of this Chinese paper, published in Hankow:

"What is needed is the destruction of the Tuchuns and their armies, from which their power is derived. In dealing with disease one should go to the root of it, instead of concentrating on the symptoms. The disease China is now suffering from is weakness of the brain—the Central Government—since the republic destroyed the ancient authority of the Emperor. To restore power and authority to that Government, the first step must be taken by Parliament, by ceasing to render itself an object of derision with futile squabbles, accomplishing nothing, and by passing some sort of Constitution, appointing a Cabinet, electing a President and supporting them. Then the foreign Powers might be induced to assist in providing the means and money required to enforce the authority of the President and Cabinet."

The foregoing, reproduced from the *Literary Digest*, summarizes most of the editorial comment on the very earliest stage of the bandit affair, but the same mail which brought this copy of the *Literary Digest* brought a few papers of later dates. In the interest of completeness a survey of this later comment is given here.

The Springfield Republican, after remarking that Washington views the situation seriously, says editorially "America desires to be on good-terms with China, and this feeling is undoubtedly reciprocated by the Peking government, but the recurrence of such incidents makes good relations difficult. The present outrage, however, impossible it may have been for the Chinese authorities to prevent it, suggests very strongly that things cannot go on as they have been going; either Americans will have to be warned that if they enter China, it is at their own risk, or some method for their protection must be found. To allow them ignorantly to incur danger and if they are harmed to scold and punish what is practically a dummy government gets nowhere and only breeds increasing ill will.

"This new incident emphasizes the fact, more than once reported, by trustworthy observers, that China has been retrograding since the Washington Conference, the results of which were bitterly disappointing to the Chinese and did much to stir up the old feeling against foreigners and weaken the authority of the central government."

Special feeling against Japan is mentioned, and this editorial discussion is concluded with the following comment: "The rights of foreigners must be protected as well as possible, but always with as much patience and forebearance as possible and with due regard for the fact that mischievous foreign diplomacy is in some degree responsible for the weakness of the Peking government and its consequent inability to cope with the bandits."

The *New York Tribune* opines that the Lincheng affair was merely a train hold up, not unknown in the United States and periodic in Mexico, having no political significance, adding that if United States troops are used it will be by way of meeting an emergency, as extraterritorial police work. Touching upon the status of the Peking government this paper says:

"The Peking government is notoriously a shadow. It has little control beyond the walls of the capital. But it must make a show of authority in order to prop its prestige with the embassies and legations. It has no objection to paying out ransoms if it can beg or borrow the wherewithal. A call on the foreign garrisons may be unavoidable if Peking should fail utterly."

The *New York Post* sees in this incident a natural result the course that China has been following, in fact this paper opens its discussion a statement that it was only a question of time until something of this nature should occur. Continuing it says,

"Since the fall of Yuan Shi-kai the republic has had no real government. There was a glimmer of hope a year ago when Wu Pei-fu's victory seemed to offer a chance of stability for Parliament and President in Peking, but that hope have passed. Militarism in China has divided the country into a number of satrapies under military governors exercising arbitrary powers and has paralyzed Peking and cut off most of its revenues."

After calling attention to the growth of banditry along with the increase of opium growing, this paper makes the following suggestions as to possible solution of the China problem:

"If expedient the Powers which have troops at Tientsin, legation guards in Peking, and gunboats patrolling Chinese rivers can dispatch a force against the bandits. But the situation cannot be permanently improved until the central Government struggles to its feet, and it is becoming increasingly clear that the Powers will have to help it.

"Fortunately, expert advice is obtainable. The Washington Conference. besides granting China an immediate revision of her customs duties, provided for an international commission to study her whole financial position and lay down conditions preliminary to a further increase. It will be impossible for this body to report on the stabilization of Chinese finances without reporting on the stabilization of her government. But it cannot be set at its task too soon."

The Christian Science Monitor indirectly blames the indifference of the people for the present situation. The tone of the Monitor's views is indicated by the following extract from its editorial discussion;

"Some one said the other day that this Chinese chaos was the result of a republic coming as a surprise to all concerned, and since then guided by those who had been inexperienced, clumsy or ignorant. One wishes heartily that that is all there were to it. or that indeed this were even so much as the gist of the unhappy story. As it is, however, every indication points to a growing condition of disturbance and discord as witnessed by the increase in banditry, indicated in recent news dispatches concerning the raid on the Peking express at Suchow place of raid erroneously reported with the capture of a large party of passengers, now held for ransom. It would be more accurate of course to put it that political and military leaders alike have been corruptly efficient when they have not been inefficiently corrupt and self-servers all the time, with a superfulous soldiery, habitual disregard of treaties, want of money dispite dangerous multiplication of taxes, bandits prevalent and opium recrudescent —here surely is an unpromising state of affairs to put it most mildly. And behind this lives and moves the great mass of people, with scant regard for any of it, for there is no least "moral urge" to self-government."

Chinese Women

"I dare not criticise the Western fashions of the women folk, but I never admire any unnecessary imitation by the Chinese ladies of Western fashion, which, from my conservative point of view, is not agreeable to Chinese customs," is the opening remark made by Charles Hsin-chu, Chinese charge d'affaires to Great Britain, at a dinner recently given in London by the Oriental Circle. "The Chinese ladies' dresses are quite good enough, and they are nowadays quite fashionable even in the Western social centres. Only the other day, at the opening of Parliament, I saw several ladies, besides my wife, had dressed themselves in Chinese style, wearing beautifully coloured and embroidered long gowns. They did not order Chinese gowns with low necks. But some so-called new types of Chinese ladies have lowered their necks; they have altered their beautiful clothes in order to be fashionable according to Western ideas.

"I do not know whether any of you have seen the dress of a Manchu lady. She wears embroidered shoes with high insteps; she dresses her hair in the style of a high coiffure; she wears a floral jacket and long gown made of silk with embroidery around. I should say if such a beautiful dress was exhibited at any society function it would attract all eyes, and if there should be a contest of beautiful dresses, such dress would win one of the prizes.

"The Chinese girls have been modernized. In the cities, if not in the country, you will see they go to schools the same as the boys. They do exercises and gymnastics and play games with grace in performance and infinite benefit to themselves. Some of them interest themselves in politics; so-called suffragettes are found in different parts of China. We shall soon have the feminist with us—I fancy we have her now. If you will go to the University of Peking, you will see a number of women students pursuing advanced studies. Many Chinese girls went abroad for education. Some years ago they went to Japan, and then some were sent to America, and now more will be coming over to England. Thanks to the British government, who have intimated their intention to return the Boxer indemnity, to be devoted to the promotion of education, I hope that women's claims will not be entirely overlooked in the distribution of funds to stimulate the acquisition of Western knowledge. They come over here, not only to take up domestic science, but also music, literature, economics, as well as law. Some of them will be turned out women economists and some women barristers,"

Is the Lincheng Outrage the Death-knell?

BY V. P. TING

(*Prof. of English, South Eastern University, Nanking*)

The Lincheng outrage was one of the most serious instances of national humiliation, which ever filled a bloody page in the current history of the Republic of China, for the year 1923. The fact that amongst the unfortunates, who were held captives by the relentless bandits, there were more than a score of our foreign friends and more than one hundred of our own Chinese citizens, including one Johannean, Dr. C. G. Hung, of the Department of Arts, Class 1915, St. John's University, rendered it all the more disastrous and humiliating.

Considering the wanton audacity of the bandits in the perpetration of their acts of outlawry on the one hand, and judging the various high-sounding phrases covering the recent manifesto issued in the name of the bandit-chief, Shen Mai Yao, on the other, there leaves no room for any doubt that the bandits have been all along secretly backed up by some bad elements. Such phrases as "the abolition of Tuchunism," etc., etc., can never be uttered by the barbarous and illiterate bandits; nor can any decent manifesto be ever written by the leader of such marauding rough-necks as are under his present command.

A careful consideration of the different steps, which have hitherto been taken by the bandits in the representation of their insolent demands. elicits a clear revelation to the effect that there is a devilish hand moving at the back of this wholesale anarchical affair, guiding and pushing it ahead at every moment to the point of explosion for the benefit of the bad elements, and, unfortunately, at the expense of international amity and universal peace.

Since the occurrence of this pathetic affair, more than three weeks have lapsed with no satisfactory results gained for an early release of the many captives, who are still under the guard of the bandits on the summit of Paotzuku. In spite of the seemingly heroic assertions of two of the most influential military authorities to give themselves up, as regular hostages, into the hands of the bandits, with a view to an early release of our foreign friends and our own Chinese captives, we have not as yet seen any real deeds of heroism accomplished by these two would-be heroes. On the contrary, they have timidly peeped. as it were, into the mouth of the lion's den and subsequently gone back to Peking to render a fine report (?) of their very successful mission (?) at Shantung, thereby leaving all of the poor captives in the same, old den, after having enjoyed a transient exultation over an hallucinatory dream of meeting their heroic deliverers (?) and of gaining their personal freedom from the persecutions and molestations of their diabolical tormentors. Such kind of cowardice entails not only unanimous laughter and distrust on the part of our foreign friends and their consular authorities, but also excites the heated ire and contempt of the Chinese citizens throughout the length and breadth of the Republic of China.

Frankly speaking, the Chinese citizens have been earnestly hoping and laboring toward a successful completion of the release of their foreign friends and fellow-citizens at the earliest possible moment. Their unanimous sympathy and deep regret go out to the unfortunates, who have hitherto been confined within the dilapidated ruins of old temples, and whose lives are exposed to the attacks of winds and rains and the incessant threats of the good-for-nothing bandits. The Chinese citizens hate to learn the horrible news of the Lincheng outrage and kindred bandit-expeditions perpetrated in the interior. They hate to see the dilly-dallying attitude of the Chinese government toward the solution of the Lincheng outrage which calls for its immediate and prompt actions.

How long will it be before the curse of Chinese officialdom can be totally obliterated? How long will it be until the government of the Republic of China may not be ashamed to stand on her own feet and honestly proclaim to the world that she set her own house in order and is worthy of the honor of participating in the deliberation of the various vital problems relative to the consummation of universal peace at the table of the League of Nations?

As far as the present deadlock of negotiations between the Chinese government and the Lincheng bandits is concerned, it spells numerous evils which are lurking behind the screen of this unpleasant affair under discussion. It is an ominous sign indicating that the future outlook of the Republic of China will be none the less gloomier and sadder than ever before; it is a clear warning to the effect that there will be more acts of lawlessness and bolshevism perpetrated in the precincts of the interior, in case no earnest attempts be exerted toward effecting an immediate amelioration of the present state of affairs in China; it sounds the death-knell of national tranquillity and facilitates further encouragements for Tuchunate anarchism and internal disintegration.

Who should be blamed, in case the worst situation should take place in consequence of the present deadlock of negotiations? Who should be called upon to make satisfactory amends for the persecutions received by our foreign friends and our Chinese captives under the hands of the Lincheng bandits? Would it be justifiable to lay the blame on the common citizens of the Republic of China, or even the Lincheng bandits themselves? Probably they are partially to be blamed in one way or other. For the sake of justice and fair-play, however, the highest military authorities, who have hitherto taken the reins of government over the Province of Shantung, and who have eventually failed to perform their duties as befitting loyal protectors of the common citizens, must be strongly reprimanded and duly punished in accordance with the laws of our nation. Along with the necessary and just punishments to be inflicted upon the highest military authorities in question, the dark actions of the bad elements at the back of this shamefully disastrous affair of free-booting expedition must be peremptorily exposed and suppressed to the satisfaction of all the nations of the world, who have their nationals captured by the Lincheng bandits, once and for all.

Business is business and facts are facts. Whatever deeds that were and are perpetrated in a "Hush! Hush!" way must be inevitably exposed, sooner or later.

For the present, let the International Commission and all sympathetic parties concerned brace up their spirits and work unitedly and public-spiritedly toward an early release of the unfortunate captives and, simultaneously, toward a favorable conclusion of the necessary negotiations involving the pacificatory measures to be meted out to some of the penitent bandits and the annihilation of some of the most cruel and obstinate ones.

May the day be not far distant, when the traitors must pay dearly and handsomely for their political chicaneries! May the hour soon come, when the innocent captives irrespective of nationalities, will receive their rightful shares of consolation and recompense for the hardships and sufferings sustained by them in consequence of the Lincheng outrage!

Worldwide Advance in Prices

Comparison of prices of 75 principal imports shows that about 60% bring higher prices at the end of 1922 than at the end of 1921. Articles selected include manufacturing, materials, foodstuffs and manufactures, in the United States. Exports also show higher prices.

Advance in prices, of which we are just now hearing so much, is by no means confined to the United States. The *Trade Record* of The National City Bank of New York, which has made a careful analysis of prices abroad at the end of 1922 compared with the same month one year earlier, finds an evidence that price advances in all parts of the world are in nearly as large proportion as in the United States.

Seventy-five principal articles of imports were selected with which to compare prices abroad with those of a year ago, and about 60% of the number show advances during the year. The articles selected include representative manufacturing materials, foodstuffs and a limited number of manufactures, and advances are especially marked in raw materials and foodstuffs.

That our exports show evidence of advance in prices is slightly more apparent than in that of imports, for 66% of the articles included in the representative list show advances, including all grains, copper, coal, raw cotton, cotton cloths, binder twine, barbed wire, fresh and pickled beef, hams and shoulders, lard, butter and cheese, oranges and most of the other fruits, refined sugar, leaf tobacco, and lumber of various sorts.

Intervention—and the Situation in China

BY HAROLD SCOTT QUIGLEY, PH. D.

IN his recent work, *Intervention*, Ellery C. Stowell gives the following definition: "Intervention in the relations between states is . . . . . the rightful use of force or the reliance thereon to constrain obedience to international law." A number of authorities continue to maintain the so-called doctrine of non-intervention but the bulk of opinion no longer supports their view. Nevertheless it is recognized that intervention is the most serious step that a government may take, short of war, since it may be regarded as unjustified by the state in which the intervention takes place and thus lead to war. The question as to what conditions justify intervention is still a matter of dispute.

The only safe guide in the decision of this question is that of the general practice of states. Taking this as a criterion a considerable number of grounds of intervention will be found to have become more or less recognized, among which three may here be touched upon as those most adequately supported by precedents. They are (1) for self preservation, (2) on humanitarian grounds and (3) to protect nationals.

The ground of self-preservation has been alleged recently by Japan as the basis of her "Monroe Doctrine for Asia." Earlier it formed the excuse for her intervention and annexation of Formosa and Korea. It has also been alleged by Great Britain and by France, leading to their absorption of Burma and Sikkim, and Tonkin, respectively. In each of these cases the results of intervention, annexation of Chinese territory, go beyond international law which permits nothing further than co-operation with a sovereign government to police its territory properly. To pursue an unmitigated doctrine of necessity, i. e. to permit a state to intervene at will, in alleged self-defence, as a few publicists rather confusedly do, would be to endanger the independence of innocent weaker states. At present there is no apparent justification for intervention in China upon this ground.

Intervention has come to be supported by many authorities as an agency to prevent the continuance of cruelty or other intolerable conditions in another country. In this case altruism is held to demand international action to restore circumstances of decency and order. American intervention in Cuba was based upon the horrible situation that Spanish cruelty and laxity had gradually evolved. In several instances this ground has been alleged by a power or group of powers for intervention in the Balkan states. It would be difficult to justify intervention in China on this ground since civil war, though long-continued and though resulting in loss of property and interference with trade has not been marked by excessive cruelty such as has often characterized internecine warfare in other regions.

Says Phillimore: "The State to which a foreigner belongs may interfere for his protection when he has received positive maltreatment or when he has been denied ordinary justice in the foreign country and the state of the foreigner may insist upon immediate reparation in the former case." Writing to the American Minister to Peru on August 24, 1886, Secretary of State Bayard said: 'It cannot be admitted that in every case the rights of a foreigner in that country (Peru) may be measured by the extent of the protection to person and property which a citizen might obtain . . . . it not infrequently happens that citizens of a country are compelled to endure injuries which would afford ample basis for international intervention if they were inflicted on a foreigner." And Stowell states the law thus: "It sometimes happens that a weak or harassed government is unable or unwilling to compel its nationals to observe international law. In such a situation the state whose nationals or whose interests are endangered may act directly to compel the observance of international law." The historical records afford many instances of such action, e. g. that of 1861 when the European powers bombarded Kagoshima to compel the Prince of Satsuma, whom the Shogun could not control, to respect the treaty rights of their nationals and that of 1864 when identical treatment of the Choshiu stronghold, Shimonoseki, was necessary to bring its Prince to respect foreign rights.

China's history contains many illustrations of interposition and self-help by other nations in defence of their citizens, among which the Boxer Rebellion is best known. Tsingtao was temporarily detached from Chinese administration to expiate the murder of missionaries in the province of Shantung not far west from Lincheng, the site of the attack upon the Blue Express. In a sense it may be said that the whole history of China's relations with the western powers in the 19th century is a series of interventions, first to secure treaty recognition rights established among western nations and subsequently to maintain those treaty rights. It should be noted that the exaction of disproportionate redress, following intervention, does not necessarily invalidate the intervention, though it may demonstrate, in any particular case, that an ulterior motive dictated the apparent anxiety for the safety of citizens.

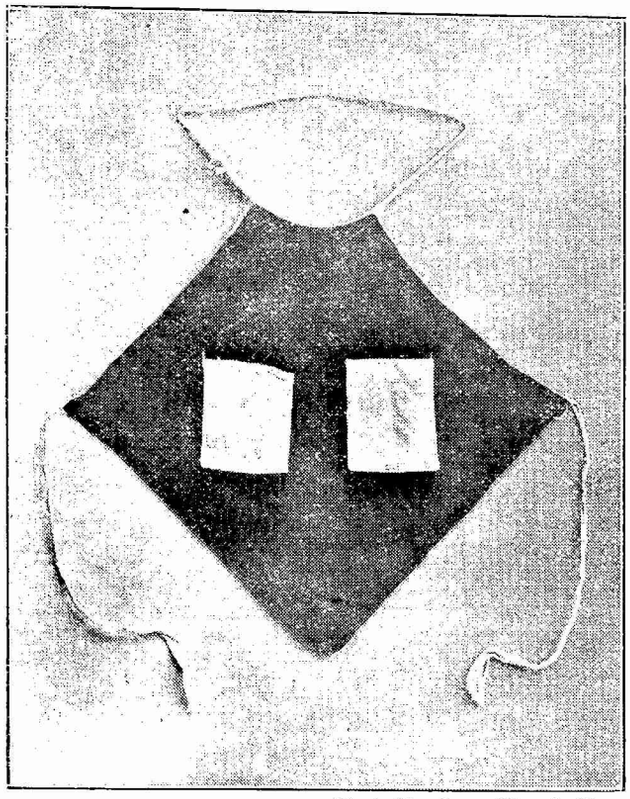
The present situation may be viewed either as a single incident or as one of a sequence of similar incidents. If viewed as a single incident the question raised narrows down to whether intervention to settle this particular case is justifiable. If viewed as one of a series not only is this latest incident rendered more serious but the broader issue of extended intervention is raised since there is no assurance that this incident will close the series. It is proposed to deal separately with these two questions.

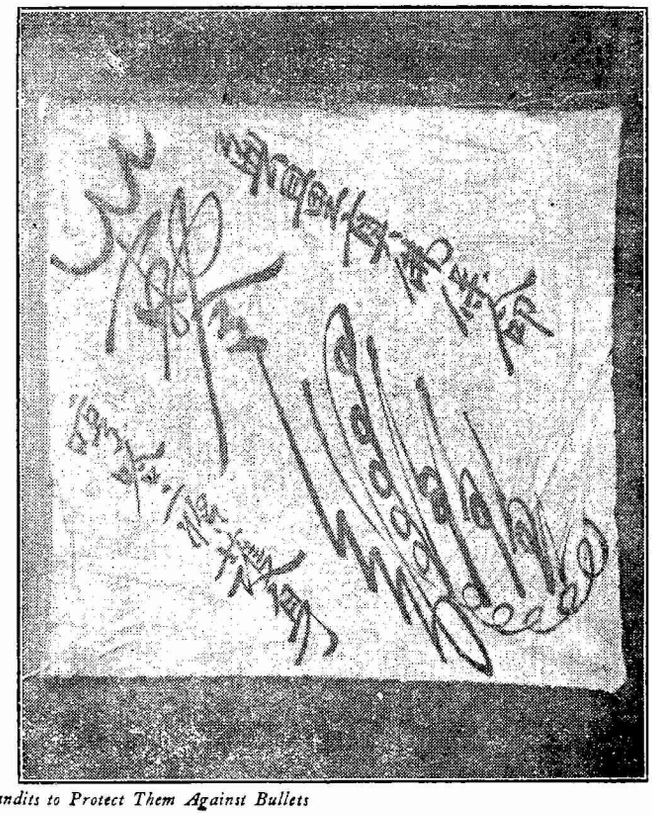
In regard to the first it may be pointed out that the situation satisfies the requirements embodied in the law of intervention. (To sum up the facts of the situation would be a thankless task for readers in China or for others who are regular readers of the *Review*.) It is missing the purpose of this type of intervention to argue that in a transition period such as that which now reigns with confusion in China foreign states should refrain from taking action since intervention is especially necessary at just such times. To emphasize the old shibboleth of sovereign rights is again to mistake the nature of intervention in protection of citizens, which, as the above citation from Stowell suggests, is properly to be regarded as an act of co-operation without political significance. Most futile of all is the last-stand puerilism that would advise the foreigner who dislikes banditry and civil war not to come to China. Men's interests, be they those of Chinese in Siberia or Japanese in California or Europeans and Americans in China have led them throughout the world. Upon the mutual benefits secured through international trade and investment the modern economic and political system are built. Recognizing this, international law has come to embody the right of intervention in protection of citizens in foreign countries.

Regarding the second question, that of extended intervention, it is obvious that the success of the bandits in Honan a few months ago in using foreigners as equalizers of their bargaining power was the incentive to similar strategy in Shantung. If it be contended that intervention must wait upon such a situation of misery and danger as the men on Paotzuku are now enduring then intervention must prove powerless to protect foreign lives and property since upon the development of the situation it becomes impracticable due to the fear of increasing the danger to the captives. Logically, therefore, as well as legally, some sort of more or less permanent intervention would seem to be demanded so long as the present conditions continue. Probably, however, such a policy would be unworkable. It would stimulate anti-foreign feeling and might lead to political intervention. It would savor too strongly of interference in the country's working out of its own salvation. Once undertaken it is difficult to imagine where it would end.

The conclusion follows that intervention, while legally justifiable in the present situation in China, is impracticable. By this it is not intended to suggest a "peace at any price" policy. In cases where a menace to foreign lives may be diverted without sacrificing the chief purpose of the intervention it must always be undertaken. The presence of foreign troops in China is sufficient evidence that the powers recognize this obligation. It would be difficult, also, to deny that a second Coltman incident would demand more drastic action than followed the first. It is rather the writer's intention to affirm that a general policy of intervention and an increase of foreign troops in China would be undesirable at this time. Foreign action is limited by circumstances to insistence upon more adequate police protection for foreign lives and interests. To assure this there is needed a policy of "thorough" applied to the elimination of the bandit menace. Southern Shantung has been a rendezvous of bandits for at least eight hundred years, as is attested by the famous romance *Shui Hu Chuan*, the Chinese Robin Hood. China cannot afford to become known as a land where highwaymen render unsafe the most populous regions. At present it appears the part of wisdom and international goodwill for foreign governments to encourage China's self-regeneration, trusting that her self-seeking politicians and militarists will not allow, conditions to come to the pass where foreign resentment may overwhelm judgment.

Bandits Wear Charms to Protect Themselves Against Bullets in Battle





Mystic Chest Screen Worn by Shantung Bandits to Protect Them Against Bullets

RIGHT—The screen, which is a red background with white rectangular pieces of cloth sewed on the outside. The screen, which is made in the form of a sack in which fits the square upon which is written the mystic words, is worn in the position shown in this picture. The strings at the top go around the wearer's neck and the other strings are used to tie around the body.

LEFT—The removable interior of the screen. This, which fits inside the sack where it is spread out to cover the chest of the wearer, is white with red lettering. This lettering, which is a Buddhist proclamation translates as follows: "Buddha hereby orders his generals, Hung and Ha, to protect the body of the person who carries this charm."

According to a letter sent out from the bandit camp by J. B. Powell, many of the Shantung bandits wear mystic chest protectors or screens, similar to those worn during the Boxer trouble. Mr. Powell induced a bandit guarding him to give him one of these screens as a souvenir. The bandits, who wear the mystic protectors tied across their chests while fighting explain that this is a safeguard against injury as the sacred writing on the square of cloth inside the protector cloth armor gives it a charm against which bullets, especially foreign bullets, are ineffective. The bandit who gave this to Mr. Powell explained that bullets striking it would be turned away.

Foreign captives attempted to get information as to where the bandits acquired their protectors, but were unable to get any information. The captives assumed that they were presented by priests but the bandits said not.

Mr. Powell got this souvenir the second day of his captivity. He carried it until he was paroled the first time, three weeks after he was captured. As he gave it up when out on parole he remarked that possibly it had brought him good joss, but that he preferred taking the chance of parting with it rather than running the risk of losing his souvenir.

Rockefeller Foundation Has Spent $76,757,040 during Last Ten Years

The Rockefeller Foundation was chartered by special act of the New York State Legislature on May 14, 1913, ten years ago. The following statement of contributions and programs during this first decade is made by Edwin R. Embree, the Secretary.

While the chartered purpose is broadly stated as "the well-being of mankind throughout the world," the work of the Foundation has become chiefly centered upon public health and medical education.

The expenditures during the first decade, 1913 through 1922, have amounted to seventy-six and three quarters millions ($76,757,040), roughly divided as follows:

Public health	$18,188,838
Medical education	24,716,859
War relief	22,298,541
All other philanthropic work	10,445,628
Administration	1,107,174

In carrying on its various activities the Foundation has expended all of its income from year to year, and in addition seventeen and a half millions ($17,500,000) of its general fund or principal. A further sum of fifteen and a half millions ($15,500,000), payable in future years, has been pledged to various medical schools and public health projects.

The International Health Board, established as a department of the Foundation in 1913, has sought to promote public health throughout the world by demonstrating the methods and costs of controlling certain diseases, notably hookworm disease, malaria, and yellow fever; by fostering the growth of governmental health agencies; and by encouraging the formation of schools of hygiene. In carrying out this program the Board has co-operated with twenty-seven American states and fifty foreign governments. Its annual expenditures have increased from $133,237 in 1914 to $1,842,249 in 1922.

In medical education a special feature has been the work of the China Medical Board, in building, equipping, and maintaining a modern medical center in Peking. The Board has made appropriations to other medical schools and to thirty-two hospitals, as well as to the fostering of science education in China.

Substantial contributions have been made in recent years to centers of medical teaching in London and Brussels. The Foundation has also co-operated in the development of medical education in North and South America, Western and Central Europe, the Philippines, Hongkong and Bangkok.

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Politics and the Future of Szechwan

BY JOHN MUIR

ALTHOUGH the Hupeh troops, under the direction of General Yang Seng, hold Chungking, and the eastern part of the province of Szechwan, a very determined resistance to the northern plans has developed here in Chengtu. We have seen nothing of the northerners yet. Repeated reports that Liu Tsen Hou was about to enter the city have now been discountenanced, and we understand that he has even been driven out of Mienchow, and back toward Paoning and the Shensi frontier. Yang Seng seems to be making no better progress toward the taking of this capital for Wu Pei Fu. He may be at Lui Kian, five days to the south, but his coming is delayed. It is impossible to believe the reports that come day by day. According to one rumor, Yang Seng's troops are at An Yoh, between here and Suining, but that is not confirmed,

In the meantime the coup of Hsiung Keh Wu increases in significance. The well-known cry of "Szechwan for the Szechwanese" has had its usual effect. It is possible that even Yang Seng himself will not be able to hold against it. The explanation of this is that, though he made promises to Wu Pei Fu, he finds it impossible to keep his officers and men to the programme of fighting for the North.

There was very severe fighting last week in the region around the cities of Teh Yang and Hangchow, to the north of Chengtu, on the road to Mienchow. There were reports enough to cause us all to believe that the First Army, under General Tan Meng Hsin, (who supports Hsiung Keh Wu) were being defeated by the Northern troops under Liu Tsen Hou, and the Szechwan troops under Teng Hsih Hou. Numbers of wounded soldiers were carried back here, and the cities which have suffered so much this Spring were again drenched in blood. At least so it would seem, though there is also a report that Hsiung Keh Wu will not permit an attack on a city, and compel the others to fight in the open.

The debacle at Sintu was even worse than reported at the time. The troops of the United Military Forces under Teng Shih Hou and Cheng Hsia Ling got into a hopeless melee. Supplies for one army were mixed up with the troops of another army both trying to go different ways on the same road. Some of the troops that left Chengtu to support Teng Shih Hou found out that he was being defeated and they returned to Chengtu. Cheng Hsia Ling tried to return to the city, but he found it impossible and beat a very hasty, and undignified retreat as far as Yachow. He was afraid that the general from Kiating (who to the present has been neutral) would run up and cut his road back to Tatsienlu and the Tibetan frontier. As he returned to Yachow the officials in all the cities, which had been placed there by him a few weeks before, all ran with him! It is said that with his headquarters at Yachow he is once more cautiously feeling his way back as far as he can in order to assist Liu Tsen Hou, or Yang Seng, if they get near enough to Chengtu to do anything.

In the meantime the province continues without a defacto government. The man of the hour is undoubtedly General Hsiung Keh Wu. The sentiment that was against him there months ago, has, in true Chinese style, turned again in his favor as the people see that he is the man who can get out and do things. Certainly we must admire him if a man of action is to be admired. To think of a man who left the city as he did on April 4th coming back at this rate certainly.

SZECHWAN'S MILITARY MUDDLE

In the welter of war and confusion of conferences that have thrown this province into its present interesting condition there are some few facts that might make the programme more intelligible to the uninitiated. The only way to do so is to study at least the names of those who are trying to make history, and try to find out where they are at present and what they represent.

Speaking in a general way there are two sides to the quarrel. One at present is definitely North, the other, though not outspokenly South, has interests in that direction. It would not be right, however, to call that which is represented by Hsiung Keh Wu a Southern army. There are not at present even Yunnan troops that could remotely be called South.

There is at least one line of demarcation: those who support the north, and those who are somewhat attached to Hsiung Keh Wu. In justice to the latter we must point out

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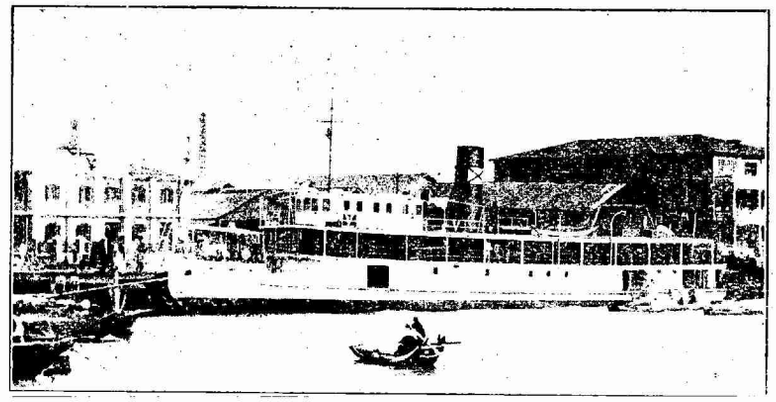

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that Hsiung Keh Wu and Tan Meng Hsin have been perfectly loyal to each other through thick and thin, and are about the only ones who have done so.

In the following table we will try first to present the side of Hsiung Keh Wu, then the side of the North, and finally those who are at present neutral. It will be noticed that there are a few who are "neutral" though scheduled with one side or the other. That means that they are remaining out of the present strife though their personal leanings are well known. It must also be remembered that what we present is the situation to-day. It may change within a day, or an hour:

THE MILITARY SUPPORT OF HSIUNG KEH WU

Name	*Rank*	*Present Station*	*Remarks*
Hsiung Keh Wu	Former Military Gov.	Chengtu	Now Avenger
Tan Meng Hsin	Com. First Army	,,	against North,
Yu Pai Tung	Gen. First Div.	North Road	Fighting Liu Tsen
Yu Chi Tang	Gen. Sixth ,,	Chengtu	Hou
Ho Kwang Lieh	Gen. Fifth ,,	Shuen King	Neutral, awaiting events.
Chang Tsung	Second Mixed Brigade	North Road	Fighting Liu Tsen Hou

The supporters of Liu Yu Kiu who assists Hsiung Keh Wu:

Name	*Rank*	*Present Station*	*Remarks*
Liu Yu Kiu	Former Com. Third Army—Former Military Gov. and Civil Gov.	Chengtu	These are not actually fighting, but waiting to see if Hsiung can win ! ! !
Lai Hsin Hwei	Defender of the Frontiers	,,	
Chang Cheng Hsiao	Fifth Mixed Brigade	Tsungking	Chow After Robbers!
Lan Cheng Chi	Seventh ,, ,,	Chengtu	
Liu Kweh Hsiao	First ,, ,,	,,	Chengtu Military Police.

THE MILITARY SUPPORT OF THE NORTH

This group is also divided into two parts. There are those who are fighting with, and for, Liu Tsen Hou trying to get him back from Shensi, and those who are with Yang Seng coming up from Chungking. The real head of Yang Seng is Liu Hsiung who has been in retirement at his home in Tayi Hsien since he was driven out of office last year shows that he is capable of something. And though many are ready to condemn him as the author of all the troubles this province has experienced during the past five years, they are willing to forgive him even that if he will give them anything like a stable government.

So we have once more the military conference with which we are so familiar. There is, however, one radical difference between this conference and the one held last autumn. Then all eyes were on Teng Shih Hou, and every one was asking what he was going to do. We now know what he did, and with him eliminated the personnel of the present conference seems more likely to agree on what they want.

Hsiung Keh Wu is not attending all the meetings of the conference. He has his representatives, and General Liu Yu Kiu will do nothing without consulting him. The meetings of the conference are being held in the home of General Liu Yu Kiu who is at present in retirement unwilling to assume any office. He is, however, the actual Civil Governor because the Provincial Assembly which elected him has not accepted his resignation. His resignation as Military Governor must go before the present Military Conference which will decide whether he remains as he was, or some one else takes the position.

The members of this conference are as follows:

General Hsiung Keh Wu, former Military Governor and Dictator.

Liu Yu Kiu, till recently Military Governor and Civil Governor, General of the Third Army (which has now disappeared.)

Tan Meng Hsin, General of the First Army, conducting the fighting in the north. He always does what Hsiung Keh Wu tells him to do.

He is represented by Yu Chi Tao, General of the 6th Division.

Lai Hsin Hwei, One of Liu Yu Kiu's generals who will support him in anything. He did most of the fighting for Liu Yu Kiu in February and March.

Lan Cheng Chi, another of Liu Yu Kiu's faithful generals.

Liu Kweh Hsiao, Colonel of a Mixed Brigade, at present in charge of the military police in Chengtu.

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Peking Union Medical College,
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Liu Wen Hwa, Commandant of Chengtu (the only one who has authority in the city at present) is a relative of and supports the former Military Governor, Liu Hsiang, who was driven out of Chungking last year. An attempt has been made to bring Liu Hsiang into the conference. Liu Yu Kiu went personally to Ta Yi Hsien (the home of most of these generals) to try to get him to come to the conference. He refused to come, but it is understood that he will accept office again if the feud between him and Tan Meng Hsin can be patched up.

Has now resigned as commandant and will go to Suifu.

These are the men being used by Hsiung Keh Wu to straighten out the province. He is also endeavoring to bring Yang Seng to his way of thinking, and may succeed. If Teng Shih Hou will break with Yang Seng he will also be forgiven. We are waiting to see what will be done. It does not seem likely that the Northern troops can defeat this combination on their home grounds without a much larger force than Wu Pei Fu can send into this province, before the rest of China is in his full control.

Name	*Rank*	*Present Station*	*Remarks*
Liu Tsen Hou	Former Tuchun	North Road	Trying to return from Shensi
Teng Shih Hou	Gen. Third Div.	,, ,,	National Land Forces
Tien Tsung Yao	Gen. 21st ,,	,, ,,	,, ,, ,,
Tang Ting Muh	Gen. 22nd ,,	,, ,,	
Cheng Kweh Tung	Gen. Seventh Div.	,, ,,	Came down to assist
Cheng Hsia Ling	Commissioner for the Tibetan Frontier	Yacow to Tatsienlu	the north, but was obliged to retreat again to the west.
Liu Hsiang	Former Military Gov. and Civil Gov.	Tayihsien	In retirement, refuses to come forth.
Yang Seng	Com. Second Army	East Road	Also Gen. 16th Div.
Tang Shih Tsen	Gen. ,, Div.	,, ,,	of National Land
Pang Wen Hwa	Gen. Fourth ,,	,, ,,	Forces given him by
Li Yueh Seng	Third Mixed Brigade	,, ,,	Wu Pei-Fu. These
Yang Chun Fang	Gen. First Div.	,, ,,	are all coming up
Ho Kin Ngao	Fourth Mixed Brigade	,, ,,	the East Road from Chungking to capture Chengtu, while the Northern Troops remain in charge for Chungking.

THE NEUTRAL GENERALS.

Name	*Rank*	*Present Station*	*Remarks*
Liu Wen Hwei	Gen. Ninth Div.	Suifu	He came up from Suifu and has been in charge of Chengtu since Liu Yu Kiu went out of office on April 4th. He is now returning to Suifu refusing to fight any one. His real attachment is to Liu Hsiang who is a blood relation.
Cheng Hung Fan	Gen. Eight Div.	Kiating	
Liu Ping	Gen. Tenth Div.	Chengtu	
Peng Chuh Hsuen	Gen. First Div.	Chengtu	
Shih Tsing Yang			Was recently one of the Defenders of the Frontiers below Chungking. Driven out by Yang Seng his troops all left him and he returned here alone!!!

It will be noted that these comprise:

First Army Second Army Third Army.

First Division to Tenth Division inclusive, with three different units designated as the First Division.

Twenty-first Division and Twenty-second Division of the National Army, with Yang Seng as General of the Sixteenth Division of the National Army.

Six Mixed Brigades. Number six is missing.

Defenders of the Frontiers, etc.

About all the military conference has done so far is:

Appoint Hsiung Keh Wu, avenger against the North. His personal enmity is against Wu Pei Fu.

Appoint Hsiung Keh Wu to control the arsenal at Chengtu.

Accept the resignation of Liu Wen Hwei as Commandant of Chengtu. He will return to Suifu.

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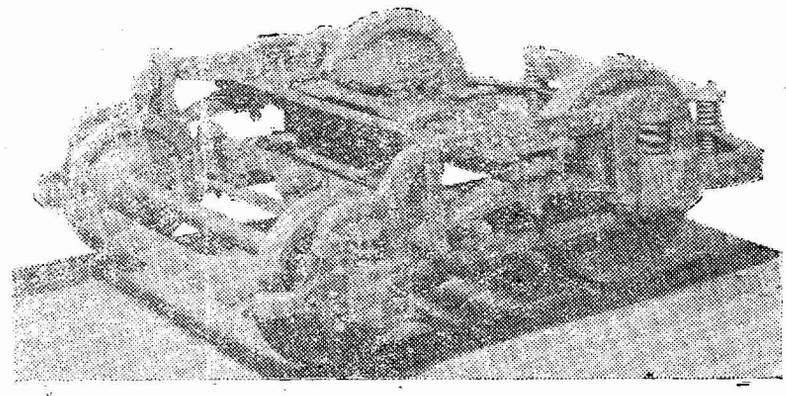

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25-050

Liu Yu Kiu refuses to accept office.

Lai Hsin Hwei refuses to fight and his men are withdrawing toward Chengtu along the East Road as Yang Seng advances. The troops of the latter may be as far as Kienchow Nan.

The fight, if any, will be here. If Yang Seng is not careful Lai Hsin Hwei will pull him into a trap and then cut in behind him. Lai has executed that brilliant manoeuver several times.

In the meantime the First Army keeps pressing Liu Tsen Hou and Teng Shih Hou back toward the north. Teng Shih Hou is out of ammunition.

Hsiung Keh Wu also needs ammunition and had personally taken charge of the arsenal to see if he can furnish his men with stings.

The situation is getting more tense day by day. Our city gates will probably be shut again.

Chengtu, May 22, 1923.

Men and Events

C. J. Fox, editor of the *North China Star* (Tientsin) arrived in Shanghai this week on a short business trip.

The Parent Teacher's Association of the Shanghai American School held a meeting on June 6, at 20 Museum Road, when reports of the committee were read.

Alexander Hume Ford, of Honolulu, president of the Pan-Pacific Union, arrived in Shanghai this week. During his stay here he will be guest of honor at several functions.

W. J. McRae of Andersen, Meyer and Company, departed on furlough for America, on the *s. s. Empress of Canada*, Monday, June 4. Mrs. McRae plans to meet Mr McRae in Vancouver.

Junius B. Wood, correspondent in the Far East for the *Chicago Daily News*, arrived in Shanghai this week after several months in South China and the Philippines. He is accompanied by Mrs. Wood.

According to a notice sent out, the *China Review* which has been published in New York for the past two years, is planning to transfer its headquarters to Shanghai at an early date, and continue publication under the name of *China National Review*.

The death occurred on Tuesday, June 5, of Helen Elizabeth, the young daughter of Mr. and Mrs. N. E. Lurton, at the Victoria Nursing Home, Shanghai. Funeral services were held at Bubbling Well Cemetery on Wednesday, at 5 o'clock. Mr. Lurton, is U. S. Court Commissioner.

The Bank of Communications will hold its annual meeting of shareholders in Peking about July 1. The head office of the bank has issued notifications to the managers of the different branches to attend. Sheng Chu-shu, general manager of the Shanghai branch of the bank, it is reported, will proceed to Peking for the occasion.

The students of the Riverside Academy, a union girls school of the Baptist (Sarah Bachelor Memorial) and Presbyterian Girls Academies at Ningpo, which is one of the foremost girls' high schools in the treaty port, had an entertainment on Friday evening and Saturday afternoon, June 1 and 2. The proceeds of the entertainment were to pay the deficit of the buildings of the school.

Telegraphic word was received in Shanghai this week telling of the death of Mrs. William Dow, formerly of Oakland, California, on Thursday, May 31, Shanghai. Mr. and Mrs. Dow went to Oakland, California, more than a year ago on account of Mrs. Dow's health. Mr. Dow was connected with the China and Japan Trading Company in Shanghai. She is survived by her husband and a young daughter.

The American Chamber of Commerce of Shanghai will hold its annual dinner on the evening of Friday, June 29, at the American Club, at 8 o'clock. Reservations should be sent to the secretary of the chamber, D. J. Lewis, Robert Dollar building. The American Chamber has recently received word that Captain Robert Dollar represented the organization at the annual meeting of the United States Chamber held in New York.

The following cablegram regarding business conditions in the United States was received this week from the Bureau of Foreign and Domestic Commerce, Washington, D. C.:—"Production continues exceptionally high; money is easier with lower rates; labor is scarce and wages advancing; bonds and stocks markets are advancing after recent decline; general outlook hopeful; imports from China during March $14,400,000."

With reference to the recent decision of the United States Supreme Court in regard to the carrying of intoxicating liquors by foreign vessels in the territorial waters of the United States, the American Consul-General has received telegraphic instructions to the effect that liquors carried for beverage purposes on foreign vessels leaving foreign ports for American ports before June 10, 1923, will not be seized under Section 19 of the Treasury Regulations.

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25-051

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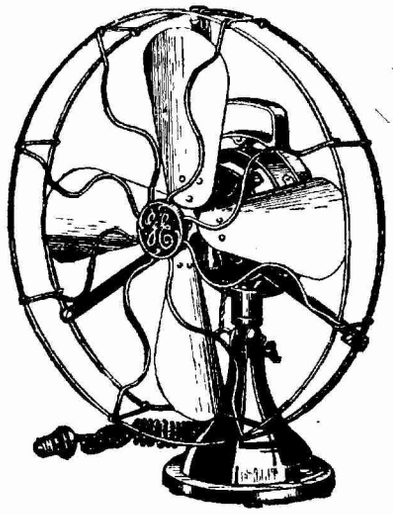
The American Consul-General has received a notice and program of the meeting of the World's Dairy Congress Association which is to meet from October 2, to October 10, 1923, in Washington, Philadelphia and Syracuse. This meeting will be attended by representatives of practically all countries and is expected to be of great interest to all classes of people interested in any way in the cattle and dairy business. Literature regarding the meeting is available for examination in the Commercial Office at the American Consulate-General.

All American diplomatic and consular officials will travel on passenger ships to and from the United States at a reduction of 25 percent of fares on United States Shipping Board boats, according to an official notification received from the United States. The Admiral Oriental Line received a message to that effect from their offices in the United States and the first ship of this line affected by this ruling is the President McKinley which is to sail from Shanghai June 6. The new ruling is a part of a general program on the part of the American government to place the Shipping Board steamers in the fore and to bring them into use by all American officials.

Pei-Yu Chien, graduate from the School of Journalism of the University of Missouri, is now in Shanghai, having come back on the *Empress of Russia* on Saturday June 2, after having stayed in the United States for one and a half years. He is the winner of two *Weekly Review* editorial prizes in the School of Journalism of Missouri. Mr. Chien first went to America in October, 1921, to attend the Washington Conference as a representative of the *Social Welfare of Tientsin* of which he was editor. After the conference, he pursued journalistic studies in America and has received the degree of Bachelor of Journalism last April. He will probably rejoin the *Tientsin Social Welfare* which has asked for his return. Mr. Chien is the third Chinese student who has received the degree of Bachelor of Journalism and is the first to devote his work to Chinese newspapers. Ninety students were graduated from the School of Journalism this year. After Mr. Chien's departure from the school, there are left four Chinese students studying journalism in that school, including Miss Eva C. Chang, studying in the editorial department; Y. P. Wang, formerly of the *Shun Pao*, specializing in advertising; and Jameson H. Chen and Y. C. Jao, both from the Tsing-hua College of Peking.



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25-054

News from South China

The domestic debts of Kwangtung Province, according to local press reports, now amount to about $41,000,000, some $2,500,000 of which were added during the regime of Chen Chiung-ming, it is said.

The general headquarters in Canton will soon have its broad-casting system. Two sending sets and twenty receiving ones will be put up for service at the headquarters and outside military stations.

It is reported that plague is becoming more noticeable every day in Sheklung and vicinity. The health division of the general headquarters and the Canton municipal department of public health are now co-operating in taking precautions.

The Salt Commissioner of Kwangtung and Kwangsi, Tang Chak-yu, is asking every salt dealing firm in Canton for a loan of $500 within a month, against which promissory notes will be acceptable in lieu of cash upon next payment of salt taxes.

The citizens of Heungshan district, home of Dr. Sun Yat-sen, Tang Shao-yi, and other well-known Cantonese, will participate in the movement to preserve some of the historical places of Canton. They will apply for the purchase of the noted Ng Sin Kwun Temple at Wai Fook Road, Central, Canton.

The Generalissimo has instructed the managers of the Chinese Telegraph Administration offices in Shameen and Hongkong to report to the general headquarters henceforth instead of to Peking, which has been exercising jurisdiction over them the last few years in spite of South China's independence all this time.

The Salt Inspectorate controversy in Canton has not yet been settled. The Peking Chief Inspectorate is requesting Dr. Sun Yat-sen to withdraw his appointment of the district inspector so that the reorganization loan agreement by which the British, French, and Japanese bankers may have a say in the appointment may not be violated and questioned.

Instead of remitting the $1,000,000 pledged loans to the general headquarters by the different Canton trade guilds, the Generalissimo has suggested to the Canton General Chamber of Commerce to remit $450,000 to General Yang Hsi-min of the Yunnanese Army and also requested the charitable institutions to pay $250,000 to General Liu Chen-huan of the Kwangsi Army, $125,000 to General Li Fuh-lin, and $125,000 to General Liu Yuk-shan.

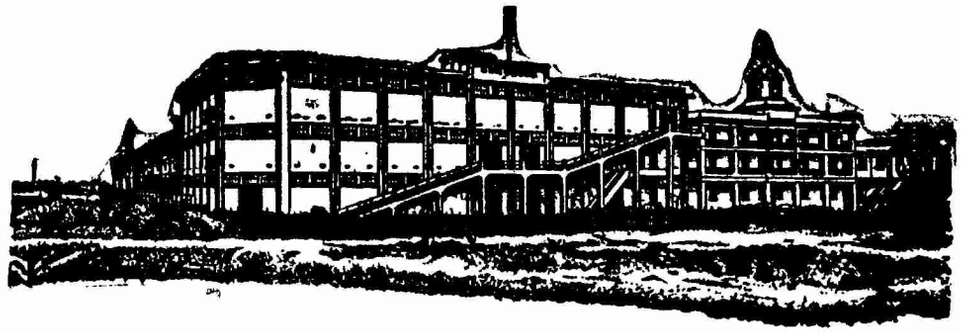
Canton will soon have compulsory education for children. This, together with the proposed compulsory registration of marriages, births, and deaths, will require every family in Canton to have more to do with the city. Now the Canton police has traffic squads, mounted patrols, wagons to carry the arrested to the station, and the street cleaning service has coolies to make the city look more decent and inspectors to visit houses. Every small improvement is helping to make Canton appear modern, at least.

The *Yan Kuen Pao*, a local daily newspaper, was surrounded by a group of alleged soldiers to demand that the editor retract certain statements unfavorable to the militarists. While such incidents are now new, Canton newspapers have never had a chance to openly protest against such unruly actions until today. It is good to see the *Yin Chiang Pao*, now the greatest journal in Canton with regard to circulation, is editorially against similar actions and calling upon the Generalissimo to remedy this evil.

By mandates of the Generalissimo of May 18, Goo Ying Fen, a leading member of the Kuomintang, has been appointed secretary of state of Kwangtung. When finally reorganized, the principal executive officials of Kwangtung will be Liao Chung-hoi, civil governor; Goo Ying Fen, secretary of state; Foo Ping Sheung, commissioner of foreign affairs; Chau Lu, commissioner of finance; and Hsu Chung-ching, commissioner of education. So far Goo, Chau, and Hsu have not yet assumed their duties. Mr. Foo has been officiating since the middle of February.

The Chinese Medical Association, an organization of native doctors practising old medical science, by action of its advisory committee, is requesting its members to charge a uniform rate of 40 cents only for indoor patients calling at the doctor's office. Some doctors are now charging 80 cents to a dollar, a fee considered too high for the poor people, the association thinks. It is believed that Canton is the only city in China where the native doctors have schools, associations, red cross corps, and receive certificates from the government for practice.

Upon the assumption of office of General Hsu Shao-tseng as Minister of Interior of the Constitutionalist government in Canton May 21, more than 5,000 persons called at the Kwangtung Public Treasury Building, where the ceremony took place, to give him an ovation. It is said that, except



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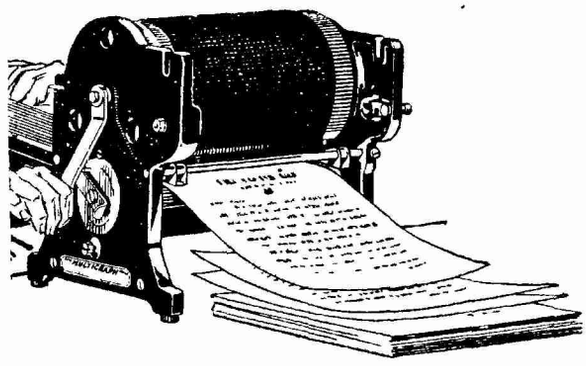

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25-056

the inauguration of Dr. Sun Yat-sen as president of the constitutionalist government in May 5, 1921, there has been no other scene of similar character. General Hsu was civil governor of Kwangtung from February 24 to May 15, and among his noteworthy acts of these 80 days was the signing of an executive order setting aside the *likins* from the Kowloon and the Lappa Customs exclusively to support the seven higher educational institutions in Canton. This is expected to be the beginning of a new financial policy for the support of the schools. It is the desire of many to take the schools out of politics. To do so, the schools must be financially independent,

There has been no time in Canton when finance and real estate are interesting so many persons as today, when hundreds of temples are offered for sale by the city under its new policy and many ward and street committees are trying by all means crooked and straight to preserve their former holdings and all capitalists and financial agents are organizing so-called savings societies to accummulate funds to accept the government offers. Enemies to the present administration are also laboring to thwart the present policy of the government, stating that all sales will be revoked upon the return of the Chen Chiung-ming party and that all buyers of temples and government lands are doing so at their own risk. Friends of the administration, however, declare that the present hasty sales of some public lands are only a temporary measure forced upon the government by urgent demands for war against the return of militarism and for the defense of Kwangtung against non-Cantonese control, that all care and arrangement have been taken to preserve all the public properties now being or to be used for public purposes, and that the transfer of some of the public and semi-public lands into private ownership will certainly make some of the present useless and non-productive properties into useful and productive holdings. The of more lands will also relieve some of the present congestion in some parts of Canton, and whatever appears to be a loss to the city will be amply compensated by increased real estate value, greater tax-bearing area, and thus higher income for the public treasury.

Canton, May 23, 1923.

Eight Foreigners Still Held by Bandits in Shantung

(The Week in the Far East: Covering the period from Thursday, May 31, to Wednesday, June 6.)

With the release of Ancira Verea (Mexican), Theo Saphiere and Eddie Elias (British), and Jerome Henley (American) on Saturday, June 2, eight foreign captives remain in the hands of the bandits who in the early morning of May 6 derailed the Tientsin-Pukow night express on the southern border of Shantung and retreated to the surrounding hills with 31 foreign and two or three hundred Chinese prisoners, and loot from the wrecked train.

No details have been made public regarding the manner in which the four released were chosen from the dozen in the bandits' power. One of those released stated that the first intimation he had of impending freedom was an order to pack whatever he had, and in twenty minutes he was on the road to liberty.

On May 30, U. S. Army Major Robert Allen and William Smith (British), the two oldest of the foreign captives, had been freed by the bandits.

The six releases closely followed the three trips made by J. B. Powell, one of the captives, from the bandit camp to Tsaochwang, where government officials and relief workers were gathered. Powell, following a conference of the foreign captives, delivered an ultimatum to the bandit chiefs demanding immediate action towards the captives' release, with the result that he was chosen to carry the bandits' terms to the Chinese officials. He made three trips in less than a week, with the result that negotiations which had been abandoned as hopeless, were successfully revived.

The following appeared in the *North China Daily News* under date of May 31:

"The delegates who conferred with the leaders this afternoon were escorted to the bandit headquarters situated in a small village at the base of Paotzeku, with full military honours. They were ushered into a large room and were introduced to four chieftains assembled including the two mentioned above and two others. The first thing that the Government's delegates asked for was the release of Major Allen, as his release was promised more than two weeks ago, before negotiations were broken off. The bandits acquiesced and a note was sent to the summit of Paotzeku informing Major Allen of his freedom and asking him to prepare for

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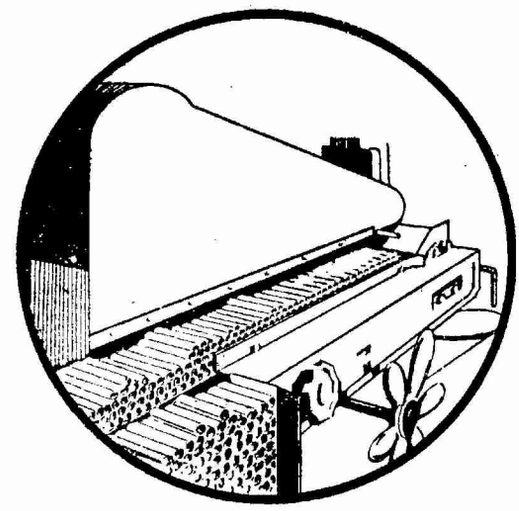

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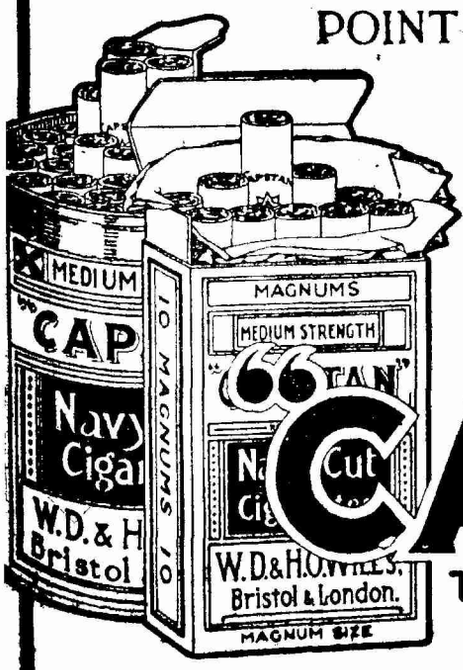

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his journey at once. At the same time Major Pinger and Mr. Lee Solomon who have been also incarcerated on the summit were ordered back to the Taoist temple at the base. Mr. Smith's release was agreed to later.

"The bandits then stated that they wanted not only every man with a gun (rifle) but also those who possessed pistols to be enrolled in the new army, as well as several thousands of their comrades from the south also to he enrolled, since according to them they were virtually members of the same band who had been cut off from the main group by the soldiers. There was considerable demur on the part of the delegates regarding these demands, especially over the quibbling over whether a pistol should be allowed to count the same as a rifle, and the question was deferred until later discussions. The bandits then demanded that any agreement should be witnessed and guaranteed by the group of foreign consuls assembled at Tsaochuang.

"It was then explained to them at great length how impossible it would be for the foreign consuls to act as guarantors unless they had some means at their disposal of enforcement, which was impossible without taking China under foreign supervision, an eventuality which the bandits themselves had stated that they wished to avoid at all costs. As far as any agreement entered into with the Deputy Tuchun went, the delegates stated that they were willing to act as guarantors in so far as it lay within their power."

Reuters reported as follows:

"The old bandit faction revealed their hand at Friday's conference between the gentry, Government delegates and the bandit chiefs. The delegates went out to commence enrolment of the bandits into the army, or rather, to begin the registration of rifle and revolver holders.

"Bobo Lieu, who has been recognized as the aggressive leader of the professional bandit faction, expressed dissatisfaction that the others were joining the army. This led to a discussion which must have become a trifle warmer than heated, for we are told that it ended with Lieu threatening the life of General Chen, and becoming so incensed that the conference was all but broken up.

"Sun Mei-yao and Kuo Chih-tsai played the role of peacemakers, and supported by the other moderate leaders among the bandits they persuaded Lieu to take a more reasonable view of things, and the conference was resumed."

The foreign military mission, appointed by the diplomatic corps in Peking, arrived in the bandit area the last of the week. The personnel was as follows:

Brigadier Gen. William D. Connor, (American); Colonel H. B. Orpen Palmer (British); Colonel E. Sautel (French); Captain A. Tachino (Italian); Lieut.-Col. Uyeno (Japanese).

They are assisted by Col. J. M. Wainwright, Lieut.-Co; J. F. Barnes and Lieuts. Disses and Butler (American). Major N. P. Brooke (British); Captain Fabre and Lieut. Robin (French). A Japanese accompanies the party as interpreter. Major-Gen. Liang, Brig. Sheng and Major Ma Yu, all of the Chinese Ministry of War, are with the party.

Brigadier General O'Connor said when interviewed:—

"We have come at the request of the Diplomatic Corps to obtain accurate information as regards the situation. As military men and trained observers we could obtain information impossible to others. We shall have no dealings with the bandits, direct or otherwise, but are merely to make a report to the Diplomatic Body of our findings. We shall probably return to Peking in three or four days as soon as our investigations are completed."

On June 1, the Town Hall in Shanghai was crowded by some 2,000 foreigners, assembled to protest the Lincheng bandit outrage and strengthen the hand of the foreign diplomatic corps in Peking by voicing the plea for the immediate release of the captives and "to bring the central and provincial authorities of China to a lasting sense of their responsibility for the restoration of order."

The chair was occupied by Sir Skinner Turner, Chief Judge of H. M. Supreme Court, and supporting him on the platform were Sir Edward Pearce, H. G. Simms and Mrs. Simms, J. Harold Dollar, Dr. Anne Walter Fearn, A. Brooke Smith, Judge C. S. Lobingier, Stirling Fessenden, H. E. Arnhold, E. Charlot, Dr. W. T. Findley, Chev. C. Fumagall, M. Nodaira and C. J. Scott.

Sir Skinner Turner opened the meeting by reading the resolution prepared, and then called upon Sir Edward Pearce. Other speakers were J. Harold Dollar, A. Brooke-Smith and Dr. Anne Walter Fearn. The resolution was unanimously carried by acclamation.

Regarding the Chinese mass meeting held on June 3, the *North China Daily News* reported as follows:

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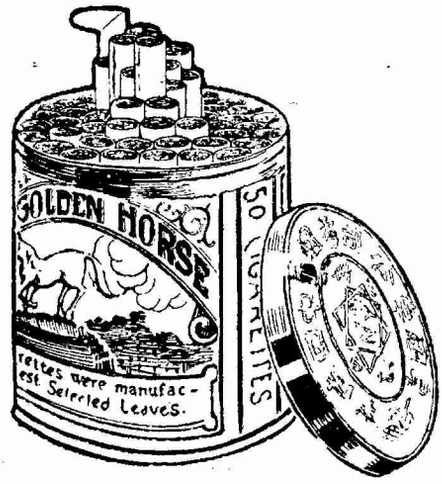

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25-060

"The mass meeting yesterday of Chinese to protest against the Lincheng outrage, from which so much was hoped in the way of a strong expression of feeling, could hardly be described as a pronounced success. It took place at the Wu Chun Ying, an encampment near St. Catherine's Bridge, and a motley crowd, computed to contain about 300 persons, attended, accompanying whom were about 40 soldiers and an equal number of armed constables who were present with the idea of keeping order. In addition to the representatives of societies and Street Unions, there were present also a sprinkling of students, who carried banners of the usual type.

"The presiding officer in his speech advised the audience to do away with the present government and work for self-determination.

"A resolution was presented and passed which held responsible for the Lincheng outrage, most of the prominent men of China including the President, the Premier, nearly the entire Cabinet, Tsao Kun, Wu Pei-fu and the Tuchuns of Shantung, Kiangsu and Anhui, but excluding Chang Tso-lin. A further resolution asked that a national committee of trustworthy persons be elected by societies of various places to act as the executive staff of the Central Government (after its overthrow). A declaration containing the essentials of the proposals is to be promulgated and a committee of 40, some of whom have been mentioned in the past as agitators, was elected to execute the above mentioned work. Their first meeting is to be held in the offices of the National Salvation Ten Men Group Society, at No. 332 Boulevard de Montigny.

"A lady, Mme. Kwoh, was among the speakers, and she suggested that the only effective means of overthrowing the Peking Government, was to stop farming throughout the country."

The Peking government appears to have solved financial difficulties sufficiently to tide over the Dragon Festival on June 18. *Reuters* reported the situation, on June 1, as follows:

"The Cabinet discussed the financial situation when Mr. Chang Ying-hua, the Minister of Finance, indicated a likelihood of dropping the twelfth year loan proposal, but that, in order to tide over the Government in the coming Dragon Festival, special Treasury notes secured on the salt surplus would be issued.

"It is believed that the latter proposal will be carried out without difficulty.

"Over half of the old $14,000,000 Treasury notes remain to be redeemed and it is proposed to issue another $7,000,000 worth, thus again bringing the amount to $14,000,000.

"It is understood that from July 1, the sum of $350,000 will be set aside from the salt surplus monthly for the redemption of the new issue, thus completing the amortization in 20 months.

"The money derivable will be utilized for the payment of the Peking police and gendarmerie, the salaries of the various Ministries, the expenses of the delegates at Lincheng, the expenses of the delegates at Shanhaikwan and the military expenses of Paotingfu and Loyang."

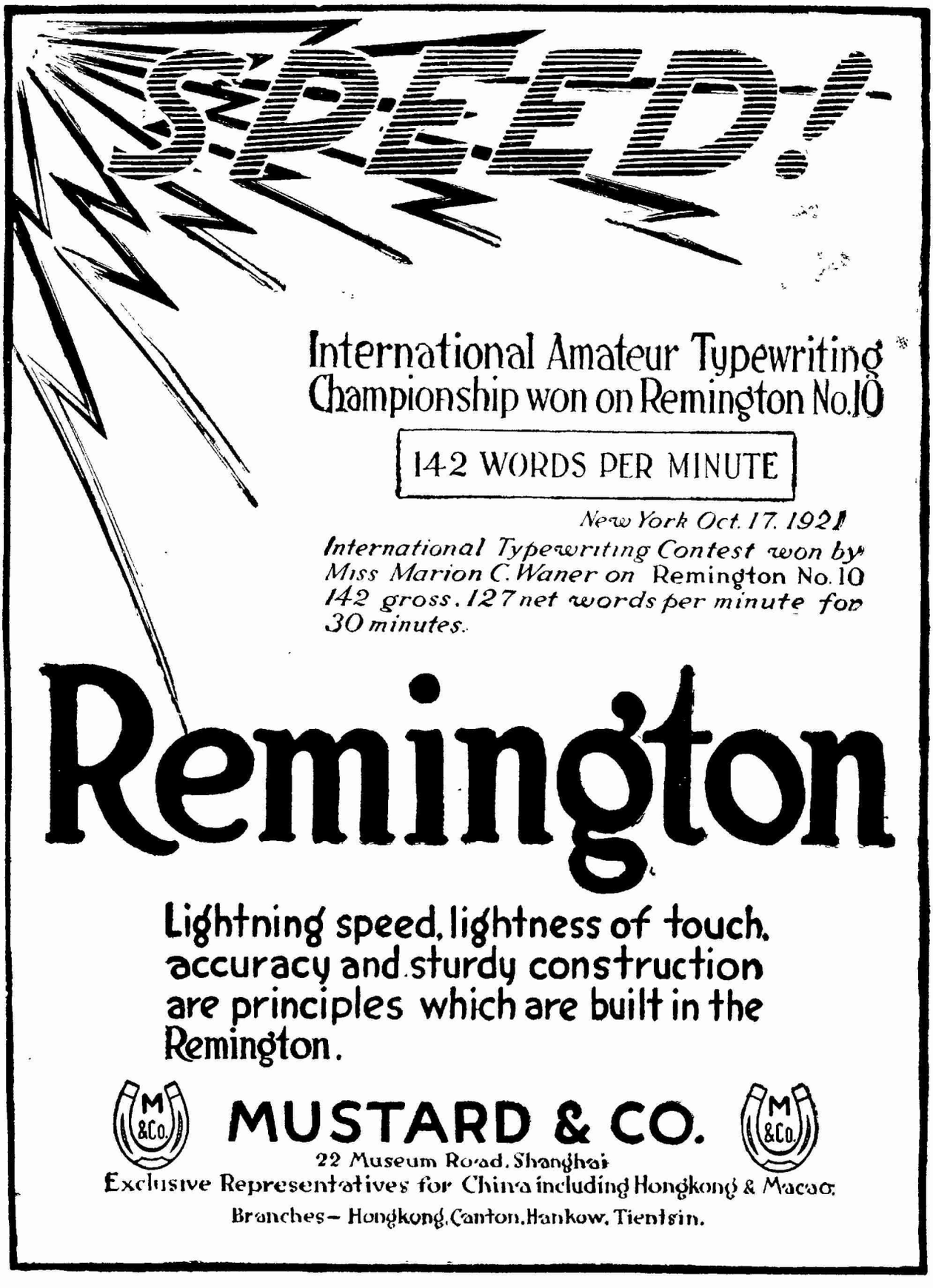
Press reports received through London were to the effect that the American government favored granting private loans to China, but that American bankers were against it. At the meeting of the Consortium committee in Paris, it was recommended that there should be no further loans to China until the increases in the China Customs dues, stipulated in the Washington Treaties, had been duly carried out.

A serious anti-Japanese feeling has developed at Changsha, Hunan province, where an attack on the Japanese was made on June 1.

When the *Buryo Maru*, belonging to a Sino-Japanese steamship company, entered the port an immense crowd assembled at the wharf and made a hostile demonstration The Japanese Consulate, learning of it, despatched several of the Consular staff to the wharf, at the same time appealing to the gunboat *Fushimi* for marines with a view to maintaining communications between the Consulate and the steamer as the telephone could not be relied upon.

The Japanese were surrounded, beaten, kicked and spat upon. This situation was reported to the Japanese Consulate which again appealed to the *Fushimi*. The gunboat landed a small party and the latter was also surrounded and stoned. In order to clear a passage the bluejackets fired a blank round. This evidently led the crowd to believe that the bluejackets were without ammunition and they attempted to disarm the sailors, who thereupon fired, killing two and wounding six others. The sailors then returned to the *Fushimi*, leaving marines to maintain the line of communications.

The latest telegrams from Changsha indicate that the hostility of the Chinese is so intense that Japanese women and children will probably be obliged to leave Changsha.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25-062

Bandits at Erhshihtaokou, near the Korean border, defeated the troops after a fight in which six soldiers were killed and over 30 were carried off as captives. The soldiers there are dispirited and the bandits are very aggressive. They attacked the timber mills at Erhshihtaokou and kidnapped over 30 persons from the mills. The Japanese and other remaining employees have been forced to cross the frontier and take refuge in Korea.

Reuters reported from Tsingtao that bandits are active in the vicinity of Laoshan. The Chief of Police is energetic. Between two and ten executions are occurring daily.

It is understood that the Police warned the foreign authorities of the dangers of parties of tourists going out to Laoshan. The authorities replied urging that the district should be cleared of bandits.

In South China, fighting continues between Sun Yat-sen forces and those opposing the Constitutionalist government. On May 31, it was reported that General Hsu Chung-chi had vacated Swatow which is now occupied by General Hung Chao-lin. By this movement the eastern part of Kuangtung again passes under the control of General Chen Chiung-ming. The Constitutionalist forces claim to have captured Waichow after two days' fighting. They are stated to be preparing to advance on Hoifung and Lukfung.

In the North, the government received a telegram from Shanhaikuan on May 29. stating that General Sun Lieh-chun General Wang Chen-ping, General Lu Chin and General Yu Chun-han had arrived to participate in the Chihli-Fengtien peace conference. Negotiations between the Mukden and Chihli Parties began formally at the Shanhaikuan Railway Hotel on May 31. Gen. Sun Lieh-chun and Mr. Yu Chung-han represented Mukden and Gen. Wang Chen-ping and Gen. Lu Chin the Chihli side.

It is understood that they discussed the question of the return of the rolling stock and the restoration of titles to the Manchurian officials, but the details of the negotiations were not made public. On June 4, the *Manila Times* reported that General Cheng was in Manila negotiating for the purchase on behalf of General Chang Tso-lin of five Curtis planes, formerly used by the Philippine Air Service. Owing to the embargo on war materials to China, Governor-General Wood has cabled to Washington requesting a ruling. Negotiations are also pending with regard to army airmen who might be willing to serve under the Chinese.

On June 2, the following *Reuters* reports were received:

"It is semi-officially stated that Dr. Alfred Sze, the Minister in Washington, has telegraphed to the government stating that the Powers have decided to postpone the Judicial Conference on Extraterritoriality indefinitely.

"The Chinese Commission on Extraterritoriality has issued a statement rebutting the arguments for delay in establishing the commission to investigate and report upon extraterritoriality and judicial administration in China, contending that the original date of November, 1923, for the coming of the foreign commissioners should be maintained. Should postponement be considered necessary another definite date not later than six months should be jointly fixed by the Chinese government and the government of the foreign Powers so as not to impair the principle originally determined upon."

The *Japan Advertiser* says:—

"The first conference to discuss matters relating to the abolition of extraterritoriality in China was opened in the Foreign Office on Thursday afternoon. High officials from the Foreign Office, the Department of Justice and the Colonial Bureau were present. It is reported, according to the "*Asahi*" that Mr. Kitada, a Councillor of the Foreign Office, and Mr. Miyake, a Councillor of the Department of Justice, have compiled reports of the results of their tours to inspect existing conditions of the Chinese judicial system. The tours covered several months. In view of the wide range of the question under discussion, it is said that the conference will be held weekly for some time."

Japan's attention during the week under review was chiefly absorbed with developments towards resumption of negotiations with the Soviet government, represented by M. Joffe. *Reuters* reported as follows on June 4:

"Soviet Russia must accept the conditions laid down by the Japanese Government as a preliminary to the opening of negotiations looking to a possible restoration of relations.

"This attitude of the Cabinet will be conveyed to M. Joffe after its meeting on June 6 at the same time as Japan's minimum conditions, which, well-informed persons state, include extraordinary concessions.

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25-064

"Nevertheless, it is regarded as extremely doubtful if Moscow will immediately accept Japan's terms. Indecision is expected to continue over a considerable period.

"The more conservative element is becoming alarmed at the extent of propaganda in favour of establishment of relations with the Soviet, which has ostensibly been promoted by commercial interests, though it is asserted that the hand of the Internationale can be distinguished and undoubtedly the number of active supporters of the Soviet is increasing.

"It appears that the threatening utterances made by M. Joffe on June 2 have alienated some enthusiastic Japanese sympathizers, but the commercial element is making increasing efforts to secure the establishment of trade relations, urging M. Joffe not to insist on immediate recognition and pointing out that this would certainly follow. The same element is urging the Cabinet to abandon its demand that Russia shall accept full responsibility for the Nikolaievsk incident.

"One of the most influential Privy Councillors, interviewed by *Reuters* correspondent, said that the Government was undoubtedly seeking an opening for the resumption of trade relations but that it will not move without the fullest consultation with America and Britain.

"The Councillor pointed out that the position of Japan was different from that of all the other Powers because of her proximity to two vast countries at present stagnated, while Japan must extend her trade with her neighbours and find means of expansion. She must also stem the flowing tide of insidious propaganda which was slowly affecting the nation."

Japan has joined the other Powers in urging the drafting of the American liquor regulations dealing with shipping with due consideration to international comity. She points out that Japanese liners not only cross the Pacific, but go through the Panama Canal to Atlantic ports.

In the Philippines, it was reported on June 4 that 53 Moro religious fanatics were killed in a fight with the constabulary on the Island of Pata near Jolo.

Akbara, the self-styled Prophet, was erroneously reported to have been killed in the last fight, of which no details have yet been received. Eight hundred and six fanatics surrendered after the fight. It is estimated that 200 more are at large, including three petty chieftains.

Governor-General Wood and other authorities think that the trouble is over but the Inspector of the Sulu Department is sending constabulary reinforcements for the purpose of combing the island and taking in the recalcitrants.

GENERAL NEWS SUMMARY

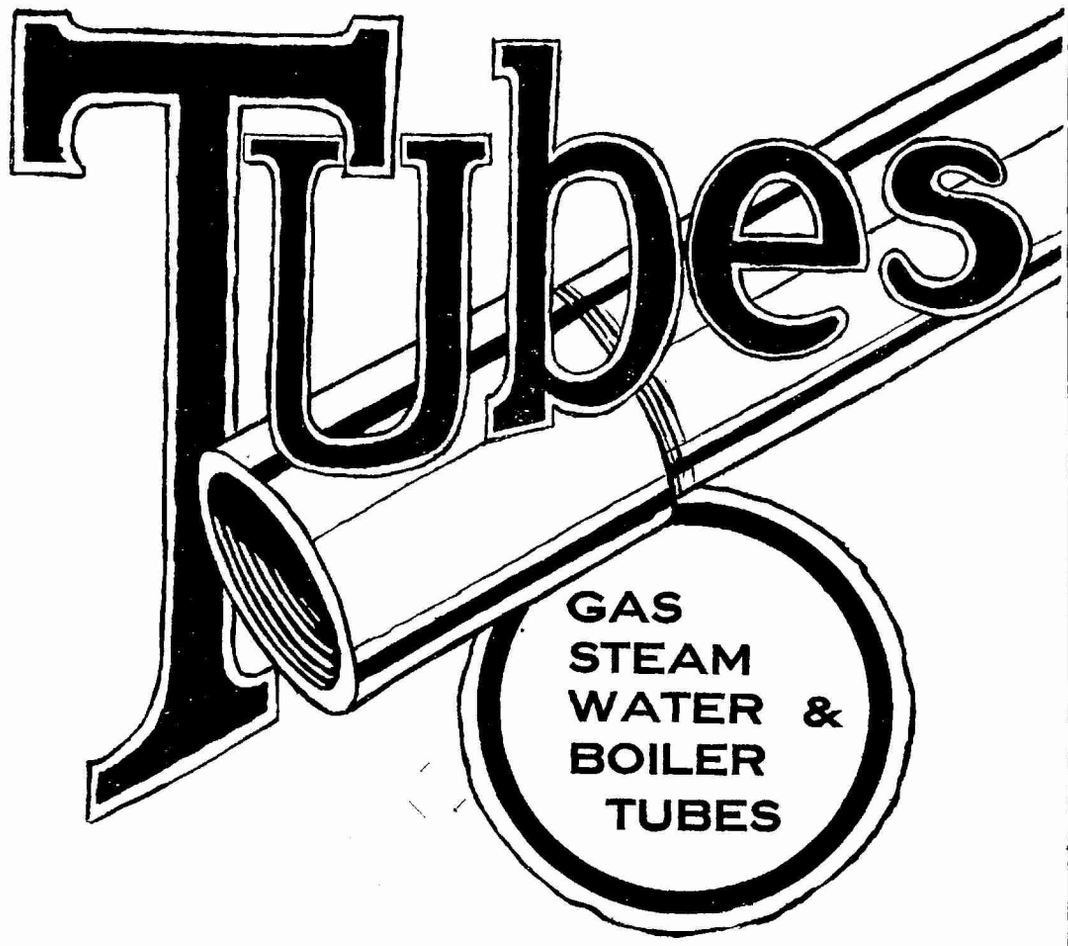
May 31. Washington report says Chairman Lasker of the U. S. Shipping Board announces he receives offer of one billion, fifty one million dollars for shipping board's fleet, which will be investigated.——Boston report says Federal Judge Lowell hands down decision that law passed in 1919 granting citizenship to all persons who served in army and navy during war did not apply to Japanese and ordering papers granted to one Hindustan, revoked.

June 1. First hearing of Banque Industrielle de Chine directors and accountants begins with ten facing charges. ——U. S. State Department authorizes U. S. representative at Lausanne Conference to negotiate and sign commercial treaties with Turkey.

June 2. Difficulties arise between members of Fascisti party in Rome leading to sensational incidents.——Japan joins other Powers in protest against U. S. ban on liquors carried on foreign vessels reaching American ports.

June 4. German government reported to have new terms of reparations in process of formation, beginning with four year's moratorium.——Peking receives information from Dr. Sze, Chinese Minister to U. S. that Commission on question of extraterritoriality in China is indefinitely postponed.

June 5. Industrial magnates in Germany offer a proportion of their assets as a guarantee for payments to the Allies, accompanied by conditions to which Socialists are making strong objection.——Consortium Committee in Paris recommends that there should be no further loans made to China until increase in Custom duties according to Washington Treaties are carried out.——U. S. Treasury Department issues shipping liquor regulations strictly in accordance with U. S. Supreme Court Decision.



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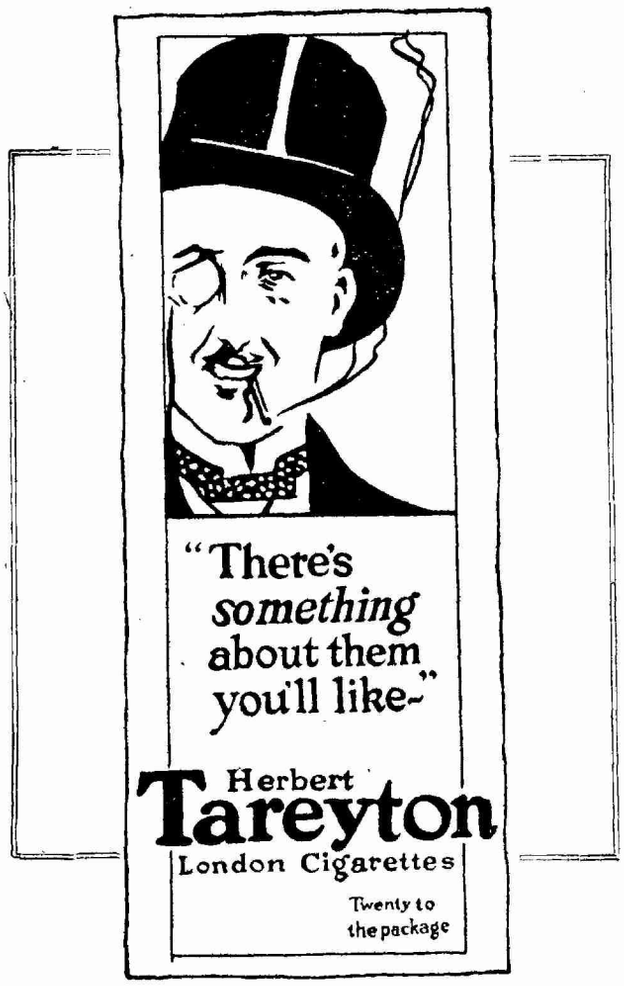
25-065



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25-066

June 6. French authorities in Ruhr district seize dyestuffs to value of 200,000,000 which is claimed to be of larger quantity than Germany had to deliver under terms of Versailles Treaty.——Archbishop of Saragossa, Spain is assassinated while motoring in car.——Terms of U. S. Prohibition Act to be enforced with regard to foreign ships in territorial waters, except as regards medicinal liquor.——Portuguese soldier, war hero, General Sir Gomes da Costa, who commanded Portuguese troops in France during war, arrives in Shanghai.

The Raisin Growers' Plans

The campaign of the Sun-Maid Raisin Growers of California, the co-operative organization of raisin producers, to raise $2,500,000 of new capital to finance their marketing operations has been completed, the sum being raised. They were aided in its completion by subscriptions aggregating $150,000 from the membership of the Chamber of Commerce of Los Angeles and $250,000 by the membership of the Chamber of Commerce of San Francisco. The business men of the smaller cities located in the raisin territory supported the effort very actively and liberally. Such instances as this give the best answer to the demagogues who are trying to set the country districts against the cities.

Weekly Cotton Market Report

By A. B. Rosenfeld & Son

China Cotton.—The market has had a more active appearance during the past week, with the general public taking more interest in the staple than for some time past and the net result for the week is an advance of about 1½ taels. Furthermore, weather conditions have also strengthened the market on account of the cold wave and rain we have had during the past week.

As to the future course of the market, it will be governed chiefly by the progress of the crop and world markets. The critical months of July and August are still ahead of us, and the trade's attention will be centered on weather conditions. While the technical position of the market may offer opportunities for occasional scalping operations, the progress of the crops in the American, Indian and the China Cotton belts will continue to be the chief basis for important price changes.

Under present circumstances, it seems to us that the only course for the immediate future is to buy cotton on any slight decline.

Extracts of Correspondence

Tungchow, May 29:—During the past week too much rain has fallen, and preparations are somewhat delayed. Very little cotton has been planted, consequently no actual damage has been done.

Shanghai & Districts, May 30:—The weather has been too cold and wet. What is required within the next few days is clear weather to finish planting.

Yangtsze Valley May 28:—Cool weather and too much rain urgently require good weather.

Chekiang Province, May 28:—On account of the bad weather we have had for the past week there has been little farm work done in this Province.

Shensi Province:—No report to hand.

Chihli & Shantung Provinces, May 30:—Prospects of new crop are not very encouraging. A large part of the Cotton Belt has suffered heavy rains and some sections had to be replanted.

Yarn:—The cotton yarn situation has improved considerably. Some 9 to 10,000 bales of local spinnings changed hands at an advance of Tls. 2.00 to Tls. 3.00 for export to Szechuen, Southern and Northern Ports. Over 3,000 bales direct booking with our Domestic Mills is recorded at an advance of Tls. 2.00 to Tls. 3.00 from the last price. Considering conditions generally, the position of the China product is very healthy, especially so as consuming centers are practically bare of stocks. We cannot see, therefore, how prices can decline, if there is a change it will be towards an improvement, particularly so after the Dragon festival.

WHAT DO YOU KNOW ABOUT THE MEN OF AFFAIRS IN CHINA TODAY?

Do you know the names of the leading bankers, the men who operate the cotton and flour mills, the men who are interested in conservancy and flood prevention, the men who are trying to reorganize China educationally, the leading military governors or *tuchuns*, members of the various cabinets in recent years?

For example do these names suggest anything to your mind?

H. Y. Moh	Alfred Sze	Y. T. Tsur	Tang Shao-yi
Li Yuan-hung	Hsiung Hsi Ling	Tsai Yuan-pei	Tuan Chi-jui
Fong F. Sec	Chang Tai Yen	David Yui	Sun Yat Sen
P. W. Kuo	Wellington Koo	W. W. Yen	C. C. Nieh
Li Ming	Wang Chung-hui	C. T. Wang	Hwang Fu
K. P. Chen	Sung Han-chang	Liang Shih-yi	Kan Yu-we
Che Shih-yuan	Lu Yung-hsiang	Tsao Kun	Wu Pei-fu

These twenty-eight names represent individuals who are fairly well known, but outside of their names what do you know about them—about their educations—official life—present addresses—age—and so on. The next edition of

Who's Who in China

will give you just the information which you desire regarding these men and also the biographies and pictures of about 500 additional men who are active in the present day affairs of the Republic of China.

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Liverpool, May 31, 1923.

Liverpool Market:—

Middling American, Spot.....15.92 Pence
" " July ..... 14.75 "
" " October.....13.40 "
Market:—*Steady.*

New York, May 31, 1923.

New York Market:—July.....27.12 Cents
October .....24.63 "
December.....24.14 "
January .....23.80 "
March.....23.73 "
Spot .....28 60 "
Market:—*Steady.*

Bombay, May 31, 1923.

Bombay Market:—

Broach, F. G. May .....Rps. 537 per Khandy
Fully Good Bengal, May ..... " 422 " "
Market:—*Steady.*

Shanghai Market:—

Tsingchow, Spot..... Tls. 40.50
Shanghai, Spot..... " 37.50
M-ginned, Spot ..... " 37.50
Taichong, Spot..... " 39.00
Shensi, No. 1 Spot..... " 40.00
Market:—*Firm.*

Shanghai Exchange for Week Ending Wednesday, May 30th, 192

By Maitland, Fearon and Brand

Exchange:—After rising to 32⅜d. the London price of silver has receded to 32⅛d. i 1/16d. higher than last week. The quotation for forward delivery is 12 1/8d.

Our official quotation for T/T on London has remained at 3/2d. In the early part the week under review, the open Market rate for T/T was maintained at about ⅛d. to ¼ over official quotations for early delivery, with 1/32d. per month down for forward deliver but the absence of cover in the shape of Export Bills has made itself felt and during the few days the Banks an inclination to come more into line with the official quotation, as the is a fair running demand for Gold T/T and the Gold Dealers appear more anxious to Gold T/T than sell. The fall in the price of Mexican Dollars will probably ease Money Market which was rather embarrassed by the surplus proportion of Dollars in stocks of silver.

About Tls. 2,200,000 value of silver is due to arrive on 6th June.

Our stocks of silver are reported as follows :—

Sycee and Bar Silver ....Tls. 21,440,000 a decrease of Tls. 1,017,000.

Chinese and Mexican Dollars..... $ 31,560,000 a decrease of $ 5,000,000.

Estimated value Tls. 44,163,000 as against Tls. 45,548,000 held at this time last year.

T	Average rates for April	Thursday May 24	Friday May 25	Saturday May 26	Monday May 28	Tuesday May 29	Wedn May
Bk's selling rates		*opening closing*	*opening closing*	*opening closing*	*opening closing*	*opening closing*	*openi closi*
T/T London	3/1.791	3/2	3/2	3/2	3/2	3/2	3/2
D/Dits. "	—	3/2 1/8	3/2 1/8	3/2 1/8	3/2 1/8	3/2 1/8	3/2
4m/s "	—	3/2 1/4	3/2 1/4	3/2 1/4	3/2 1/4	3/2 1/4	3/2
T/T India	233.750	235 1/2	235 1/2	235 1/2	235 1/2	235 1/2	235
T/T France	1,103.125	1100	1105	1110	1110	1105	110
T/T N Y.	73.364	73 1/2	73 1/4	73 1/4	73 1/4	73 1/2	73
T/T H'kong	73 937	74	74	74	74	74	74
T/T Japan	66.494	67	67	67	67	67	67
T/T Batavia	189.500	190 1/2	190 1/2	190 1/2	190 1/2	190 1/2	190
T/T Straits	74.666	74 1/4	74 1/4	74 1/4	74 1/4	74 1/4	74
Bk's buying rates							
4m/s B/L. Cred, D/A	3/3.791	3/4	3/4	3/4	3/4	3/4	3/4
4m/s " D/P	—	3/4 1/4	3/4 1/4	3/4 1/4	3/4 1/4	3/4 1/4	3/4
6m/s " D/A	3/4.291	3/4 1/2	3/4 1/2	3/4 1/2	3/4 1/2	3/4 1/2	3/4
4m/s B/F. C., D/A, D/P	1,153.125	1150	1155	1160	1160	1155	115
4m/s N.Y. Lc.	77.260	77 1/2	77 1/4	77 1/4	77 1/4	77 1/4	77
4m/s " Docs	—	78	77 3/4	77 3/4	77 3/4	77 3/4	77 1/4

Based on Daily Official quotation, higher rate taken on rising Market, lower when falling	May 24	May 25	May 26	May 28	May 29	May
Bullion.						
*London Price of Bar Silver per oz. (English Standard 925 touch) Pence.	32 3/4	32 11/16	32 5/8	32 11/16	32 5/8	32 1/2
‡N.Y. Price of Bar Silver per oz. (Pure)	G. $. 67 3/8	G. $. 66 3/4	G. $. 67	G. $. 67 1/8	G. $. 67 1/8	G. $. 6
Shanghai Price of GoldBars (weight Tls. 10 (Chauping) 978 touch	Tls. 318 20	Tls. 317 60	Tls. 317 70	Tls. 317 50	Tls. 319 00	Tls. 320
Shanghai Silver Bars (weight Tls. 100 (C.) 999 touch)	111 00	111 00	111 00	111 00	111 00	111
Shanghai Mexican Dollars per $100	72.325	72.1625	72.1875	71.80	720.125	72.9
Native Bank Rate of Interest (Callmoney)	5 1/2 %	8 %	6%	8 %	8%	8%

*Closing Price in London for Previous day.
**Closing Price in New York for Previousday

Bank of England rate of discount	3%	London on Paris	T/T 69.9
Bank of France rate of discount	4 1/2 %	London on Germany	T/T 277.5
London open Market of rate Dis. 3 m/s.	2 1/16 %	New York on London	T/T 46
" " 4	2 1/16 %	Bombay on London	T/T 1/4
" " 6	2 1/4 %	Hongkong on "	T/T 2/4
		Yokohama " "	T/T 2/1

New Books and Publications

A Complete English Grammar for Chinese Students

A Complete English Grammar for Chinese Students, by David Lattimore Commercial Press, Ltd.: Shanghai, China: 1923.

PERHAPS David Lattimore has filled a long-felt need by publishing "A Complete English Grammar for Chinese Students." Mr. Lattimore is Professor of Eastern Civilization, Dartmouth College, and formerly professor of English, at Pei Yang University., which places him in a particularly well-fitted position to write a book of this type.

No doubt one of the first things noticed about the grammar is the fact that no Chinese phrases appear in any form throughout the book and one may come to the conclusion that the book has not been prepared with any particular reference to the Chinese student. However, this is a wise act on the part of the author as sometimes the best instructor in a foreign language is one who doesn't speak any language but his own native tongue. People differ on this question ."The special adaptability of the book for use in Chinese schools will be found, it is hoped in the general plan, in the simplicity of exposition, in the choice of illustrative sentences, in the prominence given to certain special subjects, and in general, in the way in which the peculiar difficulties of the Chinese student have been constantly kept in mind." These peculiar difficulties the author has had ample opportunity to note in the course of his twenty years' experience as a teacher in English in China. According to the preface the book is designed for the last two years of the middle school, the normal school, the commercial school, or the industrial school, or the first year of college, where it might be used in connection with a general review of grammar. One will find upon reading the book, that it assumes on the part of the student a knowledge of the more usual grammatical forms and categories."

Throughout the book the author seems to have kept to the English language as it is spoken and written at the present time. Archaisms have been lightly touched upon, and historical explanations have been, except in one or two instances, entirely omitted. There are seventy-five chapters in the book devoted to every phase of the formation of the English language, to the forming of sentences, to words and parts of speech. The book would, most likely be a great help to the foreigner who usually needs a brushing up on this grammar.

M. C. P.

The Diseases of the Tea Bush

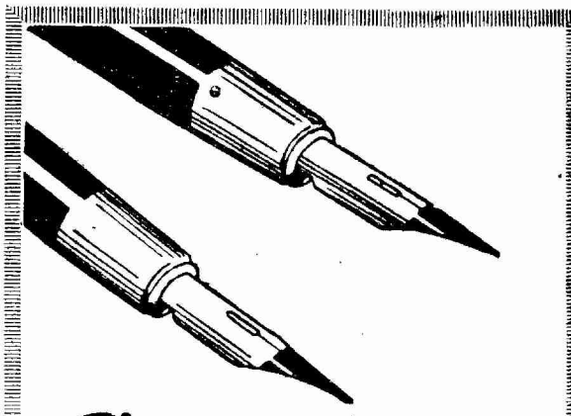
By T. Petch, B. A., B. Sc: Macmillan and Co: 1923. Price 20/-net.

The author is a specialist on the subject treated in this book, and the information contained in it can be of considerable use to the Chinese tea planters. Among the subjects dwelt upon are: leaf diseases, leaf and stem diseases, root diseases, wound covers, sprays and sprayers.

There are many illustrations in the book which help out the readers in understanding the book, and also mycological notes which can be very useful.

Although China is the home of tea which she supplies to the world yet the tea plantation on scientific lines is not cultivated here. This book will give some valuable hints on the subject to the Chinese planters.

H. P. S.



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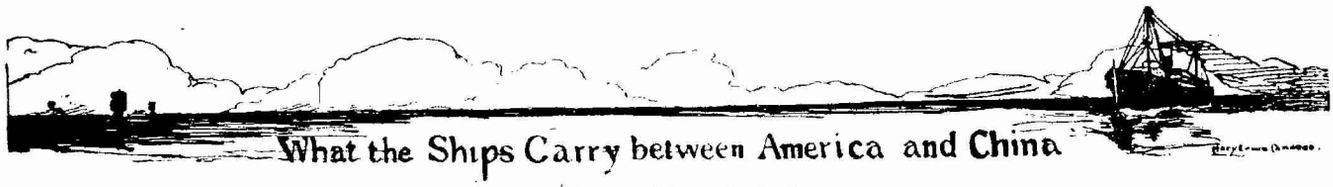

What the Ships Carry between America and China

Returns of the Shanghai Customs

(Keys: Pls.—1 Picul or 133 1/3 pounds; Bls.—Bales; Pcs.—Pieces; Mille—thousands; Hk. Tls.—Haikwan Tls., Customs Rate Tls. May 1.22 equal Gold $1)

S. S. Eurylochus, May 12.

To Boston.

Antimony, Regulus ...	Pls.	840
Nutgalls	,,	863
Oil, Wood	,,	1,037

To New York.

Bristles	Pls.	155
Hides, Buffalo	,,	107
Intestines, Pigs,' Shelled	,,	38
Skin Goat, Untanned..	Pcs.	60,000

S. S. Empress of Asia, from U. S. A., May 7.

Paints, Unclassed.....	Galls.	755
Treasure, Silver Bars	Hk.Tls.	74,176

S. S. President Madison, from U. S. A., May 9.

Bones, Cow	Pls.	17
Cheese	,,	8
Flour, Wheat.....	,,	1,286
Milk, Evaporated	,,	313
Potatoes, Fresh.....	,,	86
Putty	,,	18
Motor-cars	,,	21
Cigarettes	Mille	70,025
Machinery.....Hk. Tls.		10,291

S. S. Tenyo Maru, from U. S. A., May 9.

Flint.....	Pls.	2,539
Leather, Calf	,,	8
Paper, Unclassed	,,	56
Raisins	,,	1,106
Cigarettes .....Mille		88,500

S. S. West Niger, from U. S. A., May 8.

Timber:

Softwood, Ordinary Sawn.....Sup. ft.		724,741
Softwood, Merchantable.....Sup. ft.		58,844

S. S. President Taft, from U.S.A., May 10.

Cotton Piece Goods, Unclassed	Yds.	1,024
Bones, Cow	Pls.	155
Canned Asparagus	,,	15
Canned Fruits.....	,,	179
Coffee Beans	,,	57
Fruits, Dried	,,	53
Grease	Pls.	75
Ink, Printing.....	,,	280
Leadfoil and Tinfoil Mixture	,,	931
Leather, Sole	,,	132
Milk, Evaporated	,,	325
Oatmeal	,,	10
Oranges, Fresh	,,	362
Packings, India-rubber.	,,	364
Paper, Unclassed.....	,,	824
Raisins	,,	17
Soap, Bar	,,	6
Canned Fish	Doz.	72
Canned Meats	,,	116
Canned Vegetables	,,	764
Hosiery.....	,,	202
Jams.....	,,	452
Pickles.....	,,	148
Underwear	,,	350
Oil, Lubricating, Mineral	Galls.	26,062
Varnish	,,	436
Lemons Fresh.....	,,	134,400
Cigarettes.....Mille		143,300
Treasure, Silver Bars...	,,	319,517

From Honolulu.

Canned Fruits.....	Pls.	11

S. S. President Lincoln, May 11.

Cream Sterilised	Pls.	7
Cigarettes.....Mille		750

S. S. Eastern Prince, May 16.

To Boston.

Groundnuts, Kernels ..	Pls.	863

To New York.

Tea, Black, Hankow..	Pls.	100
Cotton, Waste	,,	298
Cotton, Yarn, Waste ..	,,	464
Tallow, Vegetable.....	,,	807
Wool, Sheep's.....	,,	69

S. S. Hannawa, May 23.

To Houston.

Hair, Human.....	,,	246

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Outline for the Study of Current History, Finance and Commerce of China

by

H. F. MacNair, Ph. D.

Professor of History and Government, St. John's University

This outline, primarily for the use of middle schools and colleges, is based upon the Review for last week. It is not intended that the whole of the outline be used but that those topics be selected that are found to be adapted to the class.

1. International Affairs

Topic 1: International Aspect of Banditry in China

References: Pp. 1-2,4,22,24,26,28-9

Questions: 1. What is the purpose of Mr. Powell's second article in this issue? 2. Why is it said that this incident may be but the beginning of more serious developments? 3. Where does much of the munition for the Tuchuns' armies come from? 4. How many nationalities are represented by the Lincheng captives? 5. In what ways have the Chinese people suffered "far greater than we have" as Mr. Powell says? 6. Why would many Chinese be glad to have foreign intervention? 7. What are the dangers of foreign intervention? 8. Of what is the Lincheng outrage symptomatic? 9. What action has been taken by the Diplomatic Corps in Peking in reference to this episode?

Topic 2: Viscount Goto and Mr. Joffe

References: Pp. 2-3

Questions: 1. Who is Viscount Goto and what has he lately been engaged in? 2, Why has Mr. Joffe been so long in Japan? 3. What is Mr. Joffe's official position? 4. What reasons can you suggest why Japan might find it advantageous to "recognize" Soviet Russia? Give the arguments against such recognition. 5. What is meant by the term "recognition" used here? 6. Who is Mr. Hearst, and what is the meaning of the reference to him? 7. Why is Mr. Joffe shortly returning to China? 8. Why are the Chinese interested in reports from Japan in reference to Russia?

Topic 3: The Chinese as Contract Laborers

References: Pp. 4-8, also *The Review* for May 26.

Questions: 1. Why has it been found desirable to introduce Chinese contract labor into the Netherlands Indies? 2. Under what conditions has it been done? 3. How are the laborers protected against their own desire to be wasteful? 4. What can you say as to Chinese contract labor in British Guiana? Where is this place? 5. What has been the financial effect upon China of sending contract laborers abroad? 6. What is meant by carrying coolies on ships by speculation? 7. Discuss the question of Chinese contract labor in South Africa? Was it successful? Why? 8. When was the "latest notable use of Chinese contract laborers"? 9. Discuss some of the efforts upon China of sending laborers to work in Europe during the war.

Topic 4: Memorial Day in Shanghai.

References: P. 8.

Questions: 1. What is Memorial Day? Is there anything like it in China? Should there be, do you think? 2. How do foreigners and Chinese differ in paying respects to the dead? Explain carefully. 3. Why should Memorial Day be a National Day? 4. Who was Ulysses S. Grant? Why was his life described on Memorial Day?

Topric 5: The Olympics in Japan

References: P. 30

Questions: 1. What is the origin of the term Olympics? 2. Compare ancient Greece and ancient China in reference to interest in athletics. 3. Discuss the effect of this upon the art of the two countries. 4. When were the modern Olympics started? Where? 5. How long have they been held in the Far East? 6. Discuss the effects upon Far Eastern countries of this interest. 7. What can such games do toward bringing about international friendship? 8 What were the results of the recent Olympics?

2. Domestic Affairs

Topic 1: Treatment Given Chinese Captives by Chinese Bandits

References: Pp. 3-4,22,24,26,28-9

Questions: 1. What is said as to the treatment accorded Chinese captives? 2. What help has been sent to the Chinese captives? 3. How long have some of the Chinese captives been held? 5. Why should all Chinese captives be freed with the Foreign captives? 6. What help has been given the foreigners by some of the Chinese prisoners? 7. Is the treatment given to Chinese captives by Chinese bandits connected in any way with the arguments advanced by foreigners in reference to Extraterritoriality in China? Explain. 8. Has the interest of the Peking government been so keen in reference to the Chinese as to the foreign prisoners? Explain.

Topic 2: The War in Szechwan

References: Pp. 10,12,14

Questions: 1. Who is Liu Yu Kiu? 2. What is said as to the actual conditions among the soldiers in Szechwan lately? 3. Why is the fighting so virulent? 4. In which part of the province is the fighting most severe? 5. What can you say about Hsiung Keh Wu? 6. In what way is Wu Pei-fu connected with affairs in Szechwan? 7. What is meant by the term "soft soap" at the bottom of p. 12? 8. What is the latest news from Szechwan?

3. Commerce and Finance

Topic 1: New Financial Schemes in Peking

References: Pp 29-30

Questions: 1. Who is Mr. Chang Ying-hua? 2. What is Sir Francs Aglen's Domestic Loan consolidation policy? 3. What is meant by Customs Surplus? 4. What proposal has Mr. Chang made in reference to the increased Customs duties? 5. What is theoretically, and what is actually necessary before the government can secure new loans? 7. Why is it difficult to raise domestic loans? 7. What connection is there between this and the policy of the International Consortium?

Topic 2: American Trading Conditions

References: P. 16

Questions: 1. What is said as to the unemployment question in the United States? 2. What are Federal Reserve Banks, and what part are they playing in the financial life of America? 3. What is meant by the reference to the "temptation. . . to overproduce and overstock"? 4. What is said as to imports from South America, Europe, and Asia? 5. Where does China stand in the list of countries from which the U. S. imports goods?

Topic 3: Shipping in Cantonese Waters

References: P. 22

Questions: 1. What has been the effect of war in Kwangtung upon the shipping in that region? 2. What effect has this upon trade? 3 How do the ship-owners protect themselves? 4. Has this ever been done before? 5. How is Generalissimo Sun handling the situation?

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Shanghai-Nanking Railway Abridged Time Table.

Shanghai North to Nanking—Up (Main Line) **Nanking to Shanghai North—Down**

STATIONS	Local	Fast R.	Local	3rd & 4th Local	S.N.L. T.P.L. Express Mail	3rd & 4th	Local	S.N.L. T.P.L. Fast Express	Local	Fast Local	Local	Local	Night Express R. S.
Shanghai North d.		7.00	7.15	7.35	9.30	9.50	12.10	12.30		17.15	17.45	19.35	23.30
Nansiang ... ... d.		7.28	7.45	8.03	—	10.31	12.41	12.58	15.25	17.47	18.15	20.05	0.02
Soochow ... ... d.		8.59		9.41	11.14	12.53		14.43	16.01	19.39			1.39
Wusih ... ... d.	7.00	9.59		10.44	12.02	14.12		15.38	18.24	20.36			2.38
Changchow ... d.	8.14	10.56		11 41	12.49	15.28		16.38	19.34	21.38			3.42
Tanyang ... ... d.	9.30	11.52			13.38	16.28		17.38					—
Chinkiang ... d.	10.31	12.49			14.22	17.34		18.33					5.14
Nanking ... ... a.	12.30	14.21			15.43	19.35		20.02					7.20
Pukow ... ... d.					19.10			21.00					
Hsuchowfu ... d.					—			5.08					
Tsinanfu ... ... d.					—			13.16					
Tientsin Central a.					—			—					
Do. d.					23.52			21.20					
Tientsin East.. a.					0.02			—					
Do. d.								22.05					
Peking ... ... a.								1.30					

STATIONS	Local	Fast Local	Local	Local	Fast R.	3rd & 4th Local	3rd & 4th	Fast R	Local	Local	Express R.	Local	T P L Mail	S.N.L. Night Express T.P.L. Express
Peking d.													—	15.25
Tientsin East .. a.													—	—
Do. d.													14.35	20.27
Tientsin Central a.													—	—
Do. d.													—	20.47
Tsinanfu .. .. d.													—	4.56
Hsuchowfu .. d.													—	13.00
Pukow .. a.													18.49	20.57
Nanking .. d.					7.40		8.10	11.05			15.50	16.15		23.00
Chinkiang .. d.					9.20		10.25	12.54			17.29	18.27		0.52
Tanyang .. d.					9.57		11.21	13.36			18.03	19.26		—
Changchow .. d.		7.10			10.59	12.00	12.44	14.32			18.57	20.46		2.41
Wusih .. .. d.		8.22			11.59	13.02	14.07	15.33			19.43	21.52		3.53
Soochow .. .. d.		9.39			12.54	14.02	15.25	16.31			20.32			4.58
Nansiang ... .. d.	8.15	10.33	11.34	13.00	14.33	16.03	17.45	18.18	18.40	20.35	—			6.28
Shanghai North a	8 42	11.00	12.05	13.30	15.00	16.30	18.20	18.45	19 13	21.05	22.00			6.50

Woosung Forts to Shanghai North—Up (Branch Line) **Shanghai North to Woosung Forts—Down**

Woosung Forts d.	6.45	8.15	9.40	11.05	12.30	13.55	15.20	16.45	18.10	19.35	21.00	22.25	23.50	1 15	Shanghai North d.	6.00	7.30	9.00	10.25	11 50	13 15	14.40	16.05	17.30	18.55	20.20	21.45	23.10	9.35
Kiangwan ... d.	7.10	8.40	10.05	11.31	12.55	14.20	15.46	17.10	18.35	20.00	21.25	22.50	0.15	1.40	Tientungan d.	6.05	7.35	9.05	10.30	11.55	13.20	14.45	16.10	17.35	19.00	20.25	21.50	23.15	9.40
Tientungan ... d.	7.16	8.46*	10.11	11.37	13.01	14.26	15.52	17.16	18.41	20.06	21.31	22.56	0.21	1.46	Kiangwan d.	6.12	7.42	9.12	10.37	12.02	13.27	14.52	16.17	17.42	19.07	20.32	21.57	23.22	9.47
Shanghai North a.	7.20	8.50	10.15	11.41	13.05	14.30	15.56	17.20	18.45	20.10	21.35	23.00	0.25	1.50	Woosung Forts a.	6.35	8.06	9.35	11.00	12.23	13.50	15 15	16.40	18.05	19.30	20.55	22.20	23.45	1.10

R. Restaurant Cars. * These additional trains run each Saturday and Sunday S. Sleeping Cars

Shanghai-Hangchow-Ningpo Railway Abridged Time Table.

Shanghai North to Zahkon—Down (Main Line) **Zahkon to Shanghai North—Up**

STATIONS	Local	Express R.	2nd 3rd & 4th	Fast R.	Local	Local	Night Express R.
Shanghai North ..... dep.	..	8.00	9.00	13.20	15.45	..	19.15
Jessfield ..... dep.	..	8.15	9.16	13.36	16.05	..	19.30
Siccawei ..... dep.	..	8.21	9.23	13.43	16.13	..	19.36
L'hwa Junction ..... dep.	..	8.35	9.40	14.00	16.30	..	19.50
Shanghai South ..... dep.	..	*8.06*	*9.05*	*13.25*	*15.45*	*18.00*	*19.20*
Lunghwa Junction ..... arr.	..	*8 21*	*9.23*	*13.43*	*16.03*	*18.18*	*19.33*
Sungkiang ..... dep.	..	9.14	10.50	14.46	17.42	..	20.29
Kashai ..... dep.	..	10.01	11.57	15.43	18.47	..	21.16
Kashing ..... dep.	7.25	10.31	12.40	16.16	——	..	21.46
Yehzah ..... dep.	8 19	11.02	13.32	16.56	----	..	22.17
Changan ..... dep.	9.25	11.36	14.23	17.40	----	..	22.51
Hangchow ..... dep.	11.00	12.30	16.00	18.50	----	..	23.45
Zahkon ..... arr.	11.25	12.45	16.30	19.10	----	..	24.00

STATIONS	Local	Local	Express R.	Local	2nd 3rd & 4th	Fast R.	Local	Night Express R.
Zahkon ..... d.	..	..	7.15	..	8.40	13.20	15.35	18.00
Hangchow ..... d.	..	..	7.40	..	9.15	13.50	16.10	18.25
Changan ..... d.	..	..	8.29	..	10.45	15.00	17.45	19.11
Yehzah ..... d.	..	..	9.00	..	11.53	15.37	18.45	19.43
Kashing ..... d.	..	7.30	9.39	..	12.50	16.24	..	20.22
Kashai ..... d.	..	8.02	10.02	..	13.26	16.52	..	20.49
Sungkiang ..... d.	..	9.15	10.52	..	14.42	17.49	..	21.41
Lunghwa Junction .... d.	*8.37*	*10.37*	*11.37*	*13.57*	*16.07*	*18.42*	..	*22.17*
Shanghai South ..... a.	*8.55*	*10.55*	*11.55*	*14.15*	*16 25*	*19.00*	..	*22.35*
L'hwa Junction .... d.	..	10.34	11.32	..	15.50	18.40	..	22.12
Siccawei ..... d.	..	10.43	11.40	..	15.59	18.49	..	22.21
Jessfield ..... d.	..	10.51	11.46	..	16.06	18.56	..	22.28
Shanghai North .... a.	..	11.05	12.00	..	16.20	19.10	..	22.50

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Recent Decisions

Nov. 9 — 18, 1922

JUDGE, Charles S. Lobingier.
U.S. ATTORNEY, Leonard G. Husar.
U. S. COMMISSIONER, Nelson E. Lurton.
CLERK, William A. Chapman.
OFFICE HOURS 10-12; 2-4.
U. S. MARSHAL, DISBURSING OFFICER, } Thurston R. Porter.
PRISON PHYSICIAN, DR. T. B. Dunn.
DEPUTY MARSHAL, Wm. Van Buskirk.
TIENTSIN:
SPECIAL DEPUTY MARSHAL, Harry V. Fuller

All Notices, Announcements, Judgments, Orders and other Proceedings appearing in this department of THE WEEKLY REVIEW may be accepted as authentic.

MOTION DAY.

All contested motions and demurrers will hereafter be heard on Mondays, beginning at 3 P. M.; provided notice thereof with proof of service on the adverse party or his attorney shall have been filed in the clerk's office by 1 P. M. of the preceding Saturday.

ADMISSION TO THE BAR.

Hereafter, applicants for admission to the bar of this court, whether previously admitted elsewhere or not, will be examined on the following:

1. Extraterritoriality, 25 Corpus Juris, 299—331.
2. Extraterritorial Cases.
3. Extraterritorial Remedial Code.
4. U. S. Rev. Stats., secs. 4083—4131 (Act of Congress of June 22, 1860, 12 U. S. Stats. at Large, Ch. 179).
5. China Court Regulations.
6. Act of Congress of June 30, 1906 (34 U. S. Stats. at Large, Ch. 3934).

BAR EXAMINING COMMITTEE: Nelson E Lurton. W. W. Blume. Roland S. Haskell.

Shanghai, China, January 2, 1923.

Minutes of Recent Proceedings

Hearings:

May 31, 1923, Cause No. 1861, Luk Hop Co. v. American Express Co. testimony taken of Wai Pak Tsiah, Wm. Gray, C. M. Wentworth; submitted on briefs to be filed.

June 4, ,, ,, ,, 2180, Tshua Thang Jien, etc. v. American Express Co.; on motion to set.

,, 4, ,, ,, ,, 2210, L. Samarcq and R. Fermus v. Asia Banking Corporation; on motion to make complaint more definite and certain; on demurrer; submitted.

,, 4, ,, ,, ,, 2186, Sam Joe v. F. & E. Soter Corporation; on motion to set.

,, 4, ,, ,, ,, 2177, Katherine A. Massey v. Robert R. L. Fernbach; on motion for default.

,, 4, ,, ,, ,, 1853, Li Heng Chiu v. O. Wagman; on motion to require submission of defendant for examination; submitted.

(Before the Commissioner)

May 31, 1923, Cause No. 2225, U. S. v. Sargeant; plea of guilty.

Judgments and Orders:

May 31, 1923, Cause No. 2219, Yangtsze Insurance Association, Ltd. v. Fearon, Daniel & Co. Inc.; appointing receiver.

,, 31, ,, ,, ,, 2098, Wing Tah Co. et al. v. C. T. Boyce; order of dismissal.

,, 31, ,, ,, ,, 1800, Banque Belge Pour l'Etranger v. Montgomery Ward & Co.; order overruling motion for new trial and for execution.

June 4, ,, ,, ,, 1896, In re Katharine C. Mullikin's will; order authorizing assignment of bonds.

,, 4, ,, ,, ,, 1987, In re George A. Heyburn's will; order closing administration.

,, 4, ,, ,, ,, 2177, Katherine A. Massey v. Robert R. L. Fernbach; order declaring defendant in default.

,, 4, ,, ,, ,, 2210, L. Samarcq and R. Fermus v. Asia Banking Corporation; order overruling motion and demurrer.

,, 5, ,, ,, ,, 2213, U. S. v. Paul O. Lucas; sentence.

,, 5, ,, ,, ,, 2194, U. S. v. Harold B. Moore; sentence.

,, 5, ,, ,, ,, 1430, Shanghai Hotels Limited v. E. Beeks; order for defendant's examination.

,, 5, ,, ,, ,, 1929, Rodger & Haskell v. A. Tilton Steele; order directing payment of judgment.

(By the Commissioner)

May 31, 1923, Cause No. 2225, U. S. v. Sargeant; defendant assessed fine and costs.

June 1, ,, ,, ,, 2227, Clifford Maxwell v. L. D. Kearny; order authorizing filing of suit in forma pauperis.

,, 1, ,, ,, ,, 2185, Chung Foo Union Bank v. D. A. Duskin; order directing service.

,, 1, ,, ,, ,, 2213, U. S. v. Paul O. Lucas; fixing bail.

Assignments for Hearing:

June 12, 1923, 9:30 a. m., Cause No. 1676, H. M. Shirek v. Getz Bros. & Co. of the Orient, Ltd.

,, 14, ,, 9:30 a. m., Cause No. 2135, Adam Szyszlo v. Shanghai Estate Co. Inc.

,, 15, ,, 9:30 a. m., Cause No. 2186, Sam Joe v. F. & E. Soter Corporation.

,, 19, ,, 9:30 a. m., Cause No. 2183, Yang Wei Zau v. Philippine China Trading Co.

,, 20, ,, 9:30 a. m., Cause No. 2180, Tshua Thang Jien etc. v. American Express Company.

,, 22, ,, 9:30 a. m., Cause No. 1856, Yu Fong S/S Co. v. Wm. Katz & Co.

,, 26, ,, 9:30 a. m., Cause No. 1945, Chemische Fabrik Griesheim Elektron v. International Banking Corporation.

G. STEINBERG, PLAINTIFF, v. OSCAR WAGMAN, DEFENDANT.

(Cause No. 1176; decided November 9, 1922)

SYLLABUS

(By the Court)

1. **Contracts:** DURESS. Refusal to perform a contract does no constitute duress.
2. ID. ID. A party who approves a balance of account due under a contract cannot be heard to repudiate it merely because he gave such approval by reason of the adverse party's failure to carry out a previous contract.
3. ID. ID. Nor is it an excuse in such a case that defendant was unwilling to seek his legal rights in the courts of plaintiff's nationality nor that the former was unwilling to attach monies advanced, lest the letter should remove goods purchased under the contract.

Messrs. Kent & Mounsey by Mr. Mounsey for plaintiff.

Theodore E. Simmang, Esq. for defendant.

LOBINGIER, J.:

Plaintiff alleges an agreed balance of account signed by defendant and growing out of a contract between the parties for the purchase and forwarding of a certain quantity of Siberian horse tails. In his answer defendant fails to deny the approval of the account or the execution of the contract (in testifying he admits both) but alleges that the latter "is null and void because obtained by the plaintiff by duress." Further, and by way of explanation, defendant alleges that he had previously entered into a different agreement with defendant which the latter promised, but failed, to reduce to writing and that by virtue of said agreement, which was more favorable to him, defendant made certain advances after which plaintiff gave notice that defendant had failed to observe a stipulation (which defendant claims was not in the contract) for a deposit of Yen 70,000 and that by reason of such failure the agreement was "null and void" and the deposit "forfeited." It was on account of this notice, defendant claims and to save his advances, that he signed the agreement and approved the account in question.

The doctrine of "duress of goods" has been recognized and applied by this Court; but the case [1] in which it was announced was very different from this which more nearly resembles one in which the Supreme Court [2] held that a charter-party executed by the owner of certain vessels in order to obtain the compensation due him under a previous agreement was not void for duress. The opinion was written by a Justice [3] noted for his strong sense of equity and the following language therefrom seems quite applicable here:

> "Instead, however, of seeking the aid of the law, claimants, with a full knowledge of their legal rights, executed new charter-parties, and, from time to time, received payments according to the rates prescribed therein—protesting, when the new agreements were signed, that they were executed against their wishes and under the pressure of financial necessity. They now seek the aid of the law to enforce their rights under the original charter-parties, upon the ground that those last signed were executed under such circumstances as amounted, in law, to duress. Duress of, or in, what? Not of their persons, for there is no pretence that a refusal, on their part, to accede to the illegal demand of the quartermaster's department would have endangered their liberty or their personal security. There was no threat of injury to their persons or to their property, to avoid which it became necessary to execute new charter-parties. Nor were those charter-parties executed for the purpose, or as a means, of obtaining possession of their property. They yielded to the threat or demand of the department solely because they required, or supposed they required, money for the conduct of their business or to meet their pecuniary obligations to others. Their duty, if they expected to rely upon the law for protection, was to disregard the threat of the department and apply to the courts for redress against its repudiation of a valid contract.
>
> We are aware of no authority in the text-books or in the adjudged cases to justify us in holding that the last charter-parties were executed under duress. There is present no element of duress, in the legal acceptation of that word. The hardships of particular cases should not induce the courts to disregard the long-settled rules of law."

1. Koenigsberger v. Hauert, *ante*, 129.
2. Silliman v. U. S., 101 U. S. 465, 25 L. Ed., 987.
3. Harlan, J. Cf. Domenico v. Alaska Packers' Ass'n. 112 Fed. 554 per De Haven, J. (reversed on another point 117 Fed. 99.)

Miscellaneous Filings:

May	28,	1923,	Cause	No.	2224, R. Neumann v. F. Fernandez; petition; summons issued.
,,	29,	,,	,,	,,	1032, Belgian Trading Co. v Neuss, Hesslein & Co.; defendant's brief on motion to dismiss complaint.
,,	29,	,,	,,	,,	2180, Tshua Thang Jien, etc. v. American Express Co.; motion to set.
,,	29,	,,	,,	,,	2211, Tung Mao Lin and Wu Yu Feng v. North China Cold Storage Co.; marshal's return of summons.
,,	29,	,,	,,	,,	1043, Heng Fu Chang v. China & Mongolia Export Co. Inc.; marshal's return of writ of execution.
,,	29,	,,	,,	,,	2098, Wing Tah Co. and Chen Vung Wei v. C. T. Boyce; motion to withdraw.
,,	31,	,,	,,	,,	2185, Chung Foo Union Bank v. D. A. Duskin; marshal's return of summons; affidavit.
,,	31,	,,	,,	,,	2211, Tung Mao Lin and Wu Yu Feng v. North China Cold Storage Co.; answer.
,,	31,	,,	,,	,,	2210, L. Samarcq and R. Fermus v. Asia Banking Corporation; motion and demurrer; notice of motion.
,,	31,	,,	,,	,,	2186, Sam Joe v. F. & E. Soter Corporation; answer.
,,	31,	,,	,,	,,	2225, U. S. v. Sargeant; complaint.
,,	31,	,,	,,	,,	2226, George A. Mayer v. L. D. Kearny et al.; petition; summons issued.
,,	31,	,,	,,	,,	2218, Harold Russell v. L. C. Publishing Co.; amended answer.
,,	31,	,,	Corp.	,,	21, China Realty Co. Ltd.; annual statement.
June	1,	,,	Cause	,,	2227, Clifford Maxwell v. L. D. Kearny; petition; summons issued.
,,	1,	,,	,,	,,	2185, Chung Foo Union Bank v. D. A. Duskin; alias summons issued.
,,	1,	,,	,,	,,	2219, Yangtsze Insurance Association, Ltd. v. Fearon, Daniel & Co. Inc.; receiver's bond.
,,	1,	,,	,,	,,	2186, Sam Joe v. F. & E. Soter Corporation; motion to set.
,,	1,	,,	,,	,,	2224, R. Neumann v. F. Fernandez; marshal's return of summons
,,	1,	,,	,,	,,	1987, In re George A. Heyburn's will; final account.
,,	2,	,,	,,	,,	2047, U. S. v. Cornet; appearance of counsel.
,,	4,	,,	,,	,,	1896, In re Katharine C. Mullikin's will; motion affidavit.
,,	4,	,,	,,	,,	1853, Li Heng Chiu v. O. Wagman; affidavits; motion; notice.
,,	4,	,,	,,	,,	1891, Hu Yuen Sun v. Fearon, Daniel & Co. Inc.; motion for default.
,,	4,	,,	,,	,,	2217, In re guard'anship of John H. Heaton; report of guardian
,,	4,	,,	,,	,,	2218, Harold Russell v. L. C. Publishing Co.; amended petition.
,,	4,	,,	,,	,,	2177, Katherine A. Massey v. Robert R. L. Fernbach; motion for default.
,,	4,	,,	,,	,,	2074, Ih Ho Chang v. Continental Trading Co. et al.; marshal's return of summons.
,,	4,	,,	,,	,,	1945, Chemische Fabrik Griesheim Elektron v. International Banking Corporation et al.; reply to plaintiff's answer to intervenor's petition.
,,	5,	,,	,,	,,	2213, U. S. v. Paul O. Lucas; final commitment issued.
,,	5,	,,	,,	,,	2194, U. S. v. Harold B. Moore; final commitment issued.
,,	5,	,,	Corp.	,,	93, China Industries, Inc.; certificate of dissolution.
,,	5,	,,	Cause	,,	2179, N. C. Young v. American Trading Co.; bill of particulars.
,,	5,	,,	,,	,,	2176, In re Walter W. Hicks' will; oath of executrix; inventory.
,,	5,	,,	,,	,,	2226, George A. Mayer v. L. D. Kearny et al.; marshal's return of summons.
,,	5,	,,	,,	,,	2231, In re estate of Otis M. Farnham, deceased; inventory; supplemental inventory.
,,	5,	,,	,,	,,	2228, Central Garage Co. v. E. H. Scott; petition; summon issued.
,,	5,	,,	,,	,,	2229, Central Garage Co. v. G. E. Young; petition; summons issued.
,,	5,	,,	,,	,,	2218, Harold Russell v. L. C. Publishing Co.; demurrer to answer.
,,	5,	,,	,,	,,	2219, Yangtsze Insurance Association, Ltd. v. Fearons Daniel & Co. Inc.; receiver's oath.
,,	5,	,,	,,	,,	2232, Garza v. Garza; petition; affidavit.
,,	5,	,,	,,	,,	2206, Shanghai Hotels Limited; v. A. P. Pattison; motion; alias summons issued.
,,	5,	,,	,,	,,	1430, Shanghai Hotels Limited v. E. Beeks; affidavit.

In the United States Court for China

AGNES MARIA GARZA, Plaintiff. | Cause No. 2232

vs.

EDWARD REIOS GARZA, Defendant. | Civil No. 814

SUMMONS

The President of the United States of America

To the United States Marshal for China and his Deputies—

GREETING:

You are hereby commanded to serve this Summons and a copy of the Petition in the above entitled action upon the defendant—

Edward Reios Garza,

if found within the jurisdiction of this Court and to notify him to be and appear before this Court on or before the sixtieth day after service hereof to file his written answer on oath.

(SEAL) WITNESS the HONORABLE CHARLES S. LOBINGIER, Judge of the United States Court for China, at Shanghai, China, June 6, 1923.

W. A. CHAPMAN
Clerk.

Excerpt from Regulations, Section 8: On proof of due notice, judgment by default shall be procured against any defendant failing to appear and file his written answer as required.

Indeed, the rule appears to be universal that refusal to perform a contract (which is virtually which the defense amounts to) does not constitute duress. [4]

Defendant here, as in all this array of cases, had his remedy by suing for breach of his alleged contract and for the recovery of advances made thereunder. True he says that he did not care to test his rights in the Russian Court and under Russian law (plaintiff apparently being a Russian, tho that fact is not alleged); but we cannot recognize that as a legal excuse nor can we accept his explanation that he did not attach the money he had advanced for fear that plaintiff would remove the goods purchased under the contract. All of these were contingencies which defendant incurred when he entered into contractual relations with plaintiff and so long as the ordinary tribunals and the ordinary legal remedies were open to him he cannot be heard to claim that he acted under duress, in ignoring them and approving as valid the account here sued upon. For it is the account rather than the contract out of which it grew which is here in question.

Thus far we have considered only defendant's version of the transaction. It is but fair to plaintiff to state that, in his reply, he denies the averments of the answer and alleges that the original agreement between the parties justifies the notice of which plaintiff complains. But even under the latter's theory of the case we are unable to find that the approval of the account which he admits having executed was under circumstances which the law recognizes as constituting duress. We must therefore find for the plaintiff in accordance with the prayer of his complaint and it is accordingly considered and adjudged that plaintiff have and recover from defendant items contained in said account, viz, Mexican $11,641.22 and Taels 91. with interest thereon from September 27,1920, the date fixed for payment, together with costs.

GEORGE CHISKIN, PLAINTIFF, v. AMERICAN DRUG COMPANY, DEFENDANT.

(*Cause No. 1405; decided November 10, 1922.*)

SYLLABUS.

(*By the Court*)

1. **Contracts** are not unenforcible because unilateral in form.
2. ID. In this jurisdiction a contract containing provisions for another's benefit may be enforced by such beneficiary but that does not prevent the contractee from suing for breaches affecting himself only.
3. ID: DAMAGES for breach of contract are usually limited to those which were within the reasonable contemplation of the parties.
4. ID. NOMINAL DAMAGES may however be awarded where actual damage is uncertain or unascertainable.
5. ID.: ID.: The limit of "nominal damages" varies according to circumstances.

J. Em. Lemiere, Esq. for Plaintiff
W. S. Fleming, Esq. for Defendant.

LOBINGIER, J.:

In 1921 plaintiff, who is a Russian citizen, published an advertising booklet called "Pro Bono Publico" which contained advertisements from leading business houses in Shanghai. To further the sale of it plaintiff secured from many of these an agreement to give a discount in selling goods to holders of the booklet. Among those who so agreed was defendant and its agreement was in the following form:

4. *Cal.* Taylor v. Ford, 131 Cal., 440. 63 Pac. 770; Standard Box Co. v. Mutual Biscuit Co., 10 Cal. App. 746 103 Pac. 938.
Ind. Tucker v. State, 72 Ind. 242, 245.
Kan. McCormick v. Dalton, 53 Kan. 146, 35 Pac. 1113.
Mich. Goebel v. Linn, 47 Mich. 489, 11 N. W. 284; Hackley v. Headley, 45 Mich. 569, 8 N. W. 511. (Both of these decisions are by Judge Cooley and the latter contains a valuable review of the authorities.)
Minn. Cable v. Foley, 45 Minn. 421, 47 N. W. 1135.
N. Y. Doyle v. Trinity Church, 133 N. Y. 372. 31 N. E. 221, affirming 15 N. Y. S. 626.
N. C. Smithwick v. Whitley, 152 N. C. 369, 67 S. E. 913.
Pa. Miller v. Miller, 68 Pa. 486.
Tex. Alexander v. Trufant, Tex. (Tex. Civ. App.) 34 S. W. 182.

IN THE UNITED STATES COURT FOR CHINA

In re Last Will and Testament of GEORGE F. FITCH, Deceased. | Cause No. 2118 | Estate No. 494 | NOTICE

Pursuant to an order of said Court, notice is hereby given to all persons having claims against the estate of the above named deceased, to present the same with vouchers to the undersigned on or before November 26, 1923, and all persons owing debts to said deceased are hereby notified to make payment of the same in due course to the undersigned.

ALICE R. FITCH,
Executrix,
61, Range Road,
Shanghai, China.

May 26, 1923.

To the Editor of
'Pro Bono Publico'
Economy and Discount Pocket Book
Promissory Note

The holder of the 'Pro Bono Publico' Economy and Discount Pocket Book is entitled to a discount of 10% (ten per cent) on usual prices in respect of all articles purchased at our establishment during the year 1921.

(Firm) American Drug Company
Successors to
Voelkel & Schroeder
B. J. Hensler
Shanghai, Jany. 28th, 1921. Manager (Ex. C)

This action is brought on the foregoing agreement the complaint alleging that defendant

"subsequently refused to grant the promised discount to subscribers to the said book." (Par. 4)

Defendant denies this averment and

"alleges on the contrary that it has in every respect carried out its undertaking." (Par. 4)

It will be seen that the agreement is unilateral, *i.e.*, it purports to be an undertaking by defendant alone; tho it also imports an obligation on plaintiff's part to publish and circulate the booklet in question. But the fact that it is unilateral in form does not impair its validity:

"The covenant may be on one side only; as where A and B for a consideration promise with C to pay an annuity to D." [1]

Again the agreement was manifestly made for the benefit of others, – i.e., the holders of the book—who are accordingly entitled to sue for any breach of its terms affecting them. [2] But that does not prevent an action by "the Editor of Pro Bono Publico" to whom it is addressed and thru whom defendant undertakes directly to give the discount to others; the consideration being mutual benefits—to plaintiff in promoting the circulation of his booklet and to defendant in extending its patronage. Any failure to observe the undertaking would necessarily affect plaintiff injuriously and he is, therefore, entitled to sue on the agreement both as the original contractee and as a holder of the booklet.

In spite of defendant's denial it appears to be unquestioned that there were refusals to allow the discount. The editor of the "Russian Echo," D. Shendrikoff, te stified that he experienced one of these. He says he made a $15.00 purchase and that "the girl took the book to the office and returned without any permission for a discount." The cashier of the same paper testifies to a refusal. True he says that he produced another's book, but the contract requires discount to the "holder," not the owner. Defendant's Russian clerk states that the wife of a high Russian official was refused a discount and the fact that she was later given it, while it might be sufficient as to her, might still not repair the injury to the circulation of plaintiff's booklet. Another witness who had been in plaintiff's employ testified that the book was thrown in his face by one who claimed to have been refused a discount. Finally plaintiff himself testified that he received many complaints of such refusal and was himself refused altho as a holder of the booklet he would seem to be as much entitled to it as any other.

Various of defendant's employees, present and former, testify that they personally never refused the discount and were instructed to allow it; but this, of course, does not refute the testimony of those witnesses who state that they *were* refused. But the most conclusive item of evidence on this point is found in the correspondence between the parties. Plaintiff's attorney wrote defendant on April 7, 1921, after the agreement had been in force nearly three months:

"I have been requested by Mr. Chischkin to ask you the reason of refusing a discount of 10% on goods bought from your dispensary to bearers of Pro Bono Publico books, contrary to your agreement of the 28th of January, 1921." (Ex. G)

It will be seen that this communication assumes the refusal of the discount. In defendant's reply, which is attached to the same letter such assumption is not denied but the following explanation is offered by defendant's manager:

"This 10% is applicable only upon prescriptions and medicines as we are manufacturers of and does not refer to any imported articles or commodities." (Ex. G)

It will be seen that this is in effect a repudiation of the agreement, since the latter provided "a discount of 10% on usual prices in respect of *all* articles" etc. It is true that the manager explains that this was a mistake on his part due to the fact that at the time of writing this memorandum he did not have before him a copy of the contract. But this explanation appears to have been first made at the trial and the memorandum itself does not appear to have been withdrawn so that plaintiff and others who might know of it were left to understand that the agreement as to all imported goods at least, was repudiated.

There appears no doubt, therefore, that at least a technical breach of the agreement was committed; but in assessing damages for such a breach grave difficulties are encountered. Plaintiff cannot, of course, recover directly for any discounts lost by other holders of his booklet tho such refusals as well as the attempt to exclude imported articles from the agreement would necessarily affect his sales. Just how much they were so affected is, however, a question upon which the evidence affords us little if any light. Plaintiff testifies that he published 5,000 copies and sold 160, of which some 40 were returned. We may infer that sales were prevented by the refusals proved as well as by others not proved but we cannot base an award of damages upon inference. Neither can we assume that plaintiff would have sold all of his copies nor even that none would have been returned had there been no refusals. That could only have been shown by calling as witnesses the parties who returned the booklets.

As to the claim of reimbursement for the expenses of printing and for the installation of an office to exploit the publication, the rule of this Court is that the damages must be such as could reasonably be foreseen by the parties [3] and we do not think it could be said that defendant on signing this agreement could reasonably have expected that a breach of it would entail any such losses as are here claimed.

We are disposed to agree with defendant's counsel that this is a case for nominal damages for

"Where plaintiff establishes a wrong and actual loss therefrom, he is entitled to nominal damages at least, although the actual damages are not susceptible of being exactly ascertained." [4]

Thus, as was said in one case, [5]

"At any rate, the plaintiff was entitled to at least nominal damages for this loss of time."

As to the meaning of this phrase—

"The term 'nominal damages', like 'exemplary damages', is purely relative, and carries with it no suggestion of certainty as to amount. **** In some cases, a very small amount might constitute the trivial sum contemplated by the term 'nominal damages'; in others, a much larger amount might measure down to the same standard of triviality. It would depend largely upon the vastness of the amount involved what sum would be considered trivial." [6]

In some cases [7] as much as G. $250.00 has been allowed by way of nominal damages. Following these precedents we are of the opinion that such an amount would not exceed the limits of nominal damages in this case where plaintiff sues for Mexican $5,675.00.

It is accordingly considered and adjudged that plaintiff recover from defendant the sum of $250.00 U. S. currency together with his costs.

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1. Corpus Juris, XIII, 574.
"In a unilateral contract the offeree is not bound to perform at all, nor until performance by him is the offerer bound, but upon performence by the offeree the proposal of the offerer is converted into a binding promise." Pollock, Principles of Contract (3d. Amer. ed.) p.35, note 40.
2. Hendrick v. Lindsay, 93 U. S. 143, 23 L. ed., 855; Page Contracts III, Sec. 1307; Sample v. Hale, 34 Neb. 220, 51 N. W. 837. See an article in the California Law Review, X, 62.
3. Davis v. Tsu Hu Sung, I Extraterritorial Cases, 922.
4. Corpus Juris, XVII, 725.
5. Greensborough v. McGibbony, 93 Ga. 672, 20 S. E. 37.
6. Sellers v. Mann, 113 Ga. 643, 39 S. E. 11.
7. Western Union Tel. Co. v. Glenn, 8 Ga. App. 168, 68 S. E. 881; Greensborough v. McGibbony, 93 Ga. 672, 20 S. E. 37. Cf. Atl. etc. Co. v. Stephens, 14 Ga. App. 173, 80 S. E. 516.

EMIL S. FISCHER, PLAINTIFF, v. CHARLES STONE, DEFENDANT.

(Cause No. 1544; decided November 14, 1922.)

SYLLABUS

(By the Court.)

1. **Parties.** The doctrine of Dakoutchaeff v. China & Mongolia Export Co., *ante* 126 reaffirmed.
2. Id: Addition. In order to settle a controversy in one proceeding, a necessary party who has been omitted will be joined altho the evidence of the other parties has been taken.

Messrs. Allan & Hartigan and W. W. Blume, Esq. for the motion.

Messrs. Williams, Franklin & Faison by Mr. Faison and Messrs. Dawies & Bryan, by Mr. Dawies, contra.

LOBINGIER, J.:

This is a motion for leave to intervene by one who claims to be the absolute owner of the premises involved in the controversy which has already been heard between two parties each claiming to be first lienors. That such an interest is a proper basis for intervention is unquestioned [1] and the only objection here raised is as to the time of the application. This objection comes principally from the present intervenor who invokes the provision [2] that intervention may be availed of "before trial." That section has already been interpreted by this Court [3] and it was pointed out that

> "while intervention, *as a matter of right*, is available only 'before trial', [4] the Court is expressly required to bring in other parties 'when a complete determination of the controversy cannot be had without' them. [5] Moreover, 'substitution of another party for a plaintiff whose right to maintain the action is *uncertain* or non-existent may be made by leave of Court.' [6] It is clear therefore that the delay in intervention does not preclude the Court from admitting other parties where the situation seems to require it."

The Federal Courts are as a rule quite liberal in the matter of intervention. The Supreme Court in one case [7] allowed it after the evidence had been taken. The Court of Appeals reversed the order of a former judge of this Court denying intervention. [8] But what is needed here is not intervention as the term is used in the Remedial Code or in the authority [9] cited by intervenor's counsel, but the admission of a new, tho necessary, party. For the petition which the proposed intervenor asks leave to file challenges the validity of both of the alleged incumbrances and the denial of the privilege would almost certainly cause further litigation in this or some other court. Indeed, as the proposed intervenor alleges that she is a Danish subject, the refusal to allow her a hearing in this forum would almost inevitably lead to a conflict of jurisdiction, which is always desirable to avoid if possible. By permitting her to be heard here a multiplicity of suits may be avoided which is one of the primary purposes of Section 53 of the Extraterritorial Remedial Code.

Nor can we see that any hardship will result either to plaintiff or to intervenor by following this course. It is true that their evidence has been presented; but arguments have not yet been submitted and it will save much time to hear the new party now and here rather than to compel her to institute another proceeding.

On the whole we are of the opinion that it will be manifestly to the interests of all parties to admit this proposed intervenor and this is accordingly ordered upon condition (1) that she file a submission to the jurisdiction of this court agreeing to abide by its judgment, subject, of course, to the right of appeal; and (2) that the evidence already taken be regarded as having been received against her. [10]

Upon compliance with these conditions she may file her petition and plaintiff and existing intervenor are allowed ten days to answer the same after which provision will be made for taking additional evidence.

1. Kamorovsky v. Hartford Fire Ins. Co. *ante*. 262.
2. Extraterritorial Remedial Code, Sec. 57.
3. Dakoutchaeff v. China & Mongolia Export Co., *ante*, 126.
4. Extraterritorial Remedial Code, Sec. 57.
5. Id., sec. 53.
6. Id., sec. 64.
7. Leary v. U. S. 224 U. S. 567, 56 L. ed. 889.
8. Cathay Trust Co. v. Brooks, I Extrater. Cases, 256.
9. Seligman v. Santa Rosa, 81 Fed. 524.
10. Leary v. U. S. 224 U. S. 567, 56 L. ed. 889.

PERCY W. PATE, PLAINTIFF, v. PAUL MARTIN, DEFENDANT.

NINA G. PATE, PLAINTIFF v. PAUL MARTIN, DEFENDANT.

(Cause Nos. 1671 and 1723, Decided November 14, 1922.)

SYLLABUS

(By the Court.)

Dismissal of an action before trial where there is no cross action, is plaintiff's absolute right.

Dr. H. C. Mei for the motions.

Messrs Schuhl & Schoenfeld, by Mr. Schuhl, contra.

LOBINGIER, J.:

Motions are filed in both of these cases to dismiss without prejudice. Defendant objects on the ground that he desires an adjudication of the issues raised by the pleadings, but the answer is merely a general denial and there is no cross action by defendant. Under such circumstances the rule seems to be well settled that dismissal before trial is plaintiff's right.[1]

"I know of no case where it is held," said one Federal Judge, "and I can conceive of no reason why it should be held, that where no testimony has been taken, and no cross-bill filed the complainant would not have the right to dismiss his case."[2]

And as was previously observed by another:

> "The general rule that a complainant has the right to dismiss his bill at any time before hearing is too firmly established to require any citation of authority. It is equally well settled that the annoyance to the defendant of a second litigation is no ground for refusing to dismiss the bill. The only question which can arise in any given case is whether the complainant comes within the exceptions to the rule. These exceptions may be briefly stated: First, where the dismissal would deprive the defendant of some substantial right which has accrued to him since the suit was commenced; second, where the defendant prays for, or is entitled to, some affirmative relief, as, for example, where there is a cross-bill." [3]

Of course the dismissal must be without prejudice,[4] *i. e.*, plaintiffs may sue again upon the same cause of action. This might be annoying to defendant but it would not constitute an objection which the law recognizes.

It appearing that these cases do not fall within any of the exceptions and that plaintiffs have an absolute right of dismissal both actions are accordingly dismissed at plaintiffs' costs.

1. *Fed.* Cybur Lumber Co. v. Erkhart, 247 Fed. 284.
   Thomson-Houston Electric Co. v. Holland, 160 Fed. 168.
   Cal. Thompson v. Spray, 72 Cal. 528, 5 Pac. 506.
   Col. Denver etc. v. Cobley, 9 Col. 152, 10 Pac. 669.
   Ia. Mullen v. Peck, 57 Ia. 430, 10 N. W. 829.
   Kan. Ashmead v. Ashmead, 23 Kan. 184.
   Ky. N. W. Mutual L. Ins. Co. v. Barbour, 95 Ky. 7, 23 S. W. 584, where the Court was "satisfied it was intended by the Civil Code that right might be exercised absolutely, and without condition." (p. 585). See also Corpus Juris XVIII, 1148, Note 55.
2. Tayler J. in Thomson-Houston Elec. Co. v. Holland, 160 Fed. 768.
3. Pa. Globe Gaslight Co., v. Globe Gaslight Co., 121 Fed. 1015.
4. Pa. Globe Gaslight Co., v. Globe Gaslight Co., 121 Fed. 1015. Cf. Encyc. Pl. & Pr. VI, 835, Note 3.

DVOIRA N. NEUGENT, PLAINTIFF, v. ROBERT F. NEUGENT, DEFENDANT.

(Cause No. 1303 Decided November 15, 1922.)

SYLLABUS

(By the Court)

Divorce: Residence. The statutory requirement of two years' residence by plaintiff before the commencement of the action is jurisdictional.

Richard T. Evans, Esq. for plaintiff.
Ferno J. Schuhl, Esq. for defendant.

LOBINGIER, J.:

This is an action for divorce, the petition alleging cruelty, non-support and infidelity. Defendant denies these allegations and files a cross-bill alleging cruelty upon which he claims a divorce. There is no averment in either pleading as to the length of residence in China of either party. Nor is there any proof on that point.

An Act of Congress applicable to this jurisdiction provides as follows:

> "In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for two years prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose." [1]

It does not appear when the plaintiff came to China nor how long she had resided here when the complaint was filed. Defendant testifies that he arrived in 1916 but whether his residence has been continuous from that date is not stated.

1 Act of March 2, 1903, Sess. II, 32 U. S. Stat. at Large, Ch. 978, Sec. 2, p. 944.

According to the marriage certificate the ceremony was performed on November 21, 1919 but the complaint was filed on February 21, 1921, exactly fifteen months later. There is no evidence therefore upon which we could base a finding that plaintiff has met this jurisdictional requirement nor that even defendant has, regarding his cross-bill.

We would be loath to dispose of the action finally on this ground without allowing opportunity for amendment, were the evidence in other respects such as to afford a clear showing of the right to relief. But the evidence produced by plaintiff, on all the grounds except desertion seems to be fairly balanced by defendant's evidence. Moreover, there was no cross examination of plaintiff's witnesses whose testimony was taken by deposition nor does it appear that the notice prescribed by the statute[2] was given to defendant. the introduction to the deposition merely reciting that it was taken "pursuant to notice and adjournment." In such cases the notice is the basis of the whole proceeding and the original or a copy of it should accompany the deposition.

Plaintiff's charge of infidelity is based entirely upon her statement that she saw defendant in a Chinese woman's house "sitting across the table from her and making love to her." Just what force this statement (which is denied by defendant) is entitled to could only have been determined by proper cross examination. Plaintiff's charges of cruelty appear to be more than met by similar charges on defendant's part corroborated by disinterested testimony. Defendant indeed admits that he left plaintiff but he claims that this was caused by her violent temper and ill treatment and there is authority[3] for the proposition that this would not constitute desertion under such circumstances. In view of the length of time allowed the parties to produce their evidence we doubt if any different situation would result from directing an amendment.

But regardless of this the evidence is wholly insufficient to justify a decree for either party because of the failure to prove the jurisdictional requirement of residence.

The complaint and cross complaint are accordingly dismissed without award of costs to either party.

CLARENCE E. LE MUNYON, PLAINTIFF, v. MINNIE Y. LE MUNYON, DEFENDANT.

(*Cause No. 1701 Decided November 15, 1922.*)

SYLLABUS.

(*By the Court*)

Divorce: CONDONATION. Where a husband and wife, subsequent to the latter's alleged desertion, enter into a written agreement for a permanent separation, such desertion cannot afterwards be made the basis of a divorce.

Messrs. Rodger & Haskell, by Mr. Haskell, for plaintiff.

No appearance for defendant.

LOBINGIER, J.:

The petition in this case alleges

> "That plaintiff and defendant were lawfully married at Tientsin, China, on March 10, 1910 at the Consulate General of the United States of America: and lived together as husband and wife until in July, 1910, when * * defendant wilfully deserted, left and abandoned plaintiff, and departed from their home, with an intention of never again returning to plaintiff and of never again cohabiting with him and living with him as his wife; and that said desertion has now been for more than eleven years. That defendant departed from the jurisdiction of this honorable court and has since remained away therefrom." (Par. 3, 6)

Certain acts of alleged cruelty during these four months are also charged; but the evidence is confined almost entirely to the charge of desertion and it is clear that the divorce is sought upon that ground. It appears, however, and in fact was mentioned in the evidence, that the defendant brought a similar action[1] in this court against plaintiff, the petition being filed on October 20, 1910; but that before the rendition of a decree therein the proceeding was terminated by an agreement entered into between the parties on January 17, 1911 which recites that "unhappy differences have arisen" between them "in consequence whereof they have agreed to live separately," that defendant herein "may and shall henceforth during the life of the said" plaintiff herein "live separate from him as if she were unmarried and shall be free from his marriage contract" etc.

It is evident, therefore, that the principal ground relied upon by this plaintiff is one to which he has voluntarily consented and that he has condoned, and in fact encouraged, the defendant to live apart from him. Such being the case he is not entitled to a decree on the ground of desertion for "condonation applies to all charges of matrimonial misconduct."[2]

The other ground alleged, even had it been proved is based on occurrences prior to said agreement and more than twelve years ago.

The bill is accordingly dismissed at plaintiff's costs.

UNITED STATES v. HENRY G. THEYKEN

(*Cause No. 1965; decided November 17, 1922.*)

SYLLABUS

(*By the Court*)

Embezzlement: PENALTY of 18 months' imprisonment in addition to maximum fine, considered moderate where defendant's position was fiducial.

Chauncey P. Holcomb, Esquire, Acting U. S. District Attorney, for the prosecution.

Roland S. Haskell, Esquire, for the defense.

LOBINGIER, J.:

The accused pleads guilty to an information charging him with the crime of embezzlement,

> "In that the said defendant * * on or about the 6th day of October, 1922, at the City of Canton, Republic of China, and within the jurisdiction of this Court, did, unlawfully and feloniously and fraudulently take, make way with, with intent to convert to his own use, Six Million cigarettes (6,000,000) of the value of about Eighteen Thousand Dollars, Hongkong currency, ($18,000.00 H. C.), the said cigarettes having come into his possession and under his care by virtue of his employment as agent of the Liggett & Myers Tobacco Co." etc.

A statement prepared by the accused was read by him in open court. It sets forth a variety of circumstances, some of which are disputed by the prosecution and most of which would not be considered extenuating in the technical sense. His counsel also addressed the court asking that the accused be given the maximum fine provided by the Act of Congress of March 3, 1901[1] and be relieved of any further penalty.

But the statute also provides for "imprisonment for not more than ten years or both" fine and imprisonment and in view of the large amount admitted to have been taken and of the responsible and fiduciary position admitted to have been held by the accused, we do not feel that we could safely and consistently accede to counsel's request. Only the other day, three defendants were sentenced here to one year of imprisonment (the minimum penalty) for forgery. The amount obtained by each of them was insignificant compared with this and no trust relation was involved. And if we limit this penalty to a fine we could not consistently impose a prison sentence for the embezzlement of any smaller amount hereafter. Surely that would be a dangerous precedent. The case is one which we feel requires a prison sentence though we have endeavored not to impose one which is unduly severe.

The accused is accordingly sentenced to imprisonment for eighteen months to be served in Bilibid Prison, Manila, Territory of the Philippines (unless duly transferred to some other lawful place of confinement), to pay a fine of One thousand Dollars ($1,000.00) U. S. currency and the costs of this prosecution.

2. U. S. Rev. Stat., Sec. 863.
3. Corpus Juris, XIX, 61.

1. Civil No. 93.

2. Mandelin v. Mandelin, 120 Minn. 198, 139 N. W. 152.

1. 31 U. S. Stats. at Large, Sess. 2, Chap. 854, Tit. I, Sec. 834.

IN H. B. M. SUPREME COURT FOR CHINA

F. J. SCHUHL, (SUING AS TRUSTEE FOR SHUN KWAN DING) v. ZAN DONG KYI.

(81 S. 1922; decided November 18)

SYLLABUS

(By the Editor)

1. **Trespass:** BUILDING ON ANOTHER'S LAND: LACHES: INJUNCTION to remove wall built on plaintiff's land denied where he failed to use reasonable diligence to prevent its erection.

2. ID.: ID. BUT DAMAGES ALLOWED to the extent of rentals for 12 years of houses which might have been erected thereon.

Messrs. Schuhl & Schoenfeld, by Mr. Schuhl, for plaintiff.

Messrs. White-Cooper, Master & Harris, by M. B. Brown, Esq., contra.

GRAIN, J.:

The plaintiff in this case has held, since August 4th, 1921, in Trust for one Shun Kwan Ding, a perpetual lease from the Chinese Republic of land known as United States Paoshan Lot No. 219 and now sues as trustee for an injunction to remove such parts of a wall or buildings which the defendant has built upon his land and claims Tls 5,500 by way of damages.

The defendant pleads that he has not built upon the land belonging to the plaintiff and that if he has done so the plaintiff is estopped from claiming an injunction or damages on the ground that he had acquiesced by not informing the defendant, before the wall was built, that an encroachment was taking place. The encroachment according to a letter written by plaintiff dated March 2nd, 1922, is 10 inches at the foundation under the land, 9 inches on the land, a chimney overhangs the land 5 inches, and the coping of the main wall overhangs the land 3 inches. The total encroachment therefore at its widest part is 15 inches. It is a long strip of land in length about 316 feet 9 inches and in width about 18 feet 1 inch at one end and slightly wider at the other. It runs from the Paoshan Road to the Shansan Road. For the sake of convenience I shall refer to Shun Kwan Ding as plaintiff. The land was bought by the plaintiff about August 4th, 1921, and the plaintiff states that the building had been started before he bought the land. He states in his evidence the wall was "well in progress when I bought," "it was below 10 feet, it might have been about 3 feet," but he is very uncertain how high it was at this time. He further states "the encroachment had begun before I bought the land but I did not know an encroachment was taking place; I did complain about scaffolding being on my land;" and letters are put in dated September 29th and October 28th, 1921 in which the plaintiff complains of scaffolding and a fence being on his land but in these letters there is no suggestion that any encroachment is taking place. The plaintiff admits he did "visit and inspect the land from time to time."

By September 29th the plaintiff says the wall was about 12 feet high. The defendant does not deny this, and states that the wall, with houses built on to it, was complete by December because he was then collecting rents from the houses. On receipt of the letters of September and October 1921 the defendant goes to see the plaintiff and asks for a month's time to complete his wall and remove the scaffolding which was granted by the plaintiff. Still no word or notice that an encroachment was taking place. The first notice that the defendant received of an encroachment is March 2nd, 1922, followed by letters of March 13th and 27th. A plan attached to the Registered Title Deed is put in by the plaintiff and it is proved that part of the defendant's wall is built upon the land set forth in that plan. The defendant himself was not called but his son, who states that his father is an old man and that he, the son manages the property, was called and gave evidence. And in my opinion he was probably able to be of more assistance to the Court by his evidence than the defendant who takes no part in its management. The defendant (I shall so call the son for the sake of convenience) says that he bought his land on August 4th, 1921, for building purposes. He received a plan from the Chinese Land Office which showed the width of the land as 165 feet. An official from the Chinese Land Office pointed out to him the four corner boundary stones and he measured and built upon his land in accordance with the Chinese plan and the boundary stones pointed out to him by the Chinese Official. But the defendant has produced no plan, nor any other evidence, as to the dimensions, area, limits and extent of his holding, save that to the best of his belief he has built on his own land and took all precautions not to encroach on his neighbor's holding.

As I have already intimated in the course of the hearing, I am of opinion on the evidence before me that I am compelled to find that the plaintiff has proved his case as to the wall having been built on his land and that therefore an encroachment has taken place. But the difficult problem is whether I am to grant an injunction and compel the defendant to pull down the wall (which means pulling down the houses built on the wall also) or whether I am to give compensation in lieu of an injunction.

Before 1858 the Court would have been compelled to grant an injunction; but Lord Cairns' Act[1] gave the Court power in certain cases on an application for injunction to award damages instead. But it has always been a difficult question for the courts to decide as to where they ought to make use of this discretion.

Says Lord Macnaghten[2]

> "With regard to giving damages in addition to or substitution for an injunction—that no doubt is a delicate matter. It is a matter for the discretion of the Court and the discretion is a judicial one."
>
> "It was not intended and never could have been intended, by the Legislature, in giving a right to damages under Lord Cairns' Act to compel a man who is wronged to sell his property to the person who has wronged him. If it were otherwise the consequences would be that a person would have a right to do a wrong to his neighbours at a price to be fixed by the Court." [3]

Now this is the difficulty which has always faced the Courts in these cases. Namely, should the Court compel a man to forego his rights in exchange for a monetary compensation?

A. L. Smith,[4] L. J., tried to set out a working rule for damages in lieu of an injunction:

> "In my opinion, it may be stated as a good working rule that (1) If the injury to the plaintiff's rights is small (2) and is one which is capable of being estimated in money (3) and is one which can be adequately compensated by a small money payment (4) and the case is one which it would be oppressive to the defendant to grant an injunction. Then damages in substitution for an injunction should be given."

Sir George Jessel[5], M. R., also appears to tend towards the granting of an injunction in cases where the damages granted could not be met by a small money payment. He says:

> "Wherever an action can be maintained at law and really substantial damages can be recovered at law, there an injunction ought to be granted in equity; generally—not universally, as I have something to add on that subject."

And later in his judgment the Master of the Rolls goes on to quote from a judgment[6] of Vice Chancellor Kindersly:

> "If the defendant's building had not been completed, there would have been ground for interference by injunction; but as they have been completed the question is, whether the Court ought to or would order the pulling down of the building or give compensation in damages. The defendant's new buildings are of considerable importance and magnitude, while the two houses of the plaintiff are comparatively of small value and importance, and it has been decided that in such a case the Court will not as a matter of course order the defendant to pull down his new buildings."

Lord Macnaghten is not quite in agreement as to substantial damages being a test. He says:[7]

> "It has been said that an injunction ought to be granted when substantial damages would be given at law. I have some difficulty in following this rule. I rather doubt whether the amount of damages which may be supposed to be recoverable at law affords a satisfactory test. In some cases of course an injunction is necessary, if for instance the injury cannot fairly be compensated by money, if defendant acted in a high handed manner, if he has endeavoured to steal a march on the plaintiff or evade the jurisdiction of the Court. If the defendant has acted fairly and not in an unneighbourly spirit I am disposed to think that the Court ought to incline to damages rather than an injunction."

1. 21 & 22 Vic. c. 27 afterwards repealed and reenacted in 1883 under the Statute Law Revision and Civil Procedure Act, 46 and 47 Vic. c. 49.
2. Colls v. Home & Colonial Stores, L. R. (1904) A. C. 192.
3. James, L. J., in Krehl v. Burrell 1879, 11 Ch. D. C. A. p. 148.
4. Shelfer v. City of London Electric Lighting Co., L. R. (1895) 1 Ch. D. 321.
5. Aynsley v. Glover, L. R. 18 Equity cases.
6. The Carriers Co. v. Corbett, 3 Dr. & Sm. 355, 360.
7. Colls v. Home & Colonial Stores, L. R. (1904) A. C. 192.

(To be continued next week)